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THE  
JOURNAL OF THE PROCEEDINGS  
—OF THE—  
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CONSTITUTIONAL CONVENTION

—OF THE—  
STATE OF FLORIDA,  
WHICH CONVENED AT THE CAPITOL, AT  
TALLAHASSEE, ON TUESDAY, JUNE 9, 1885.

PRESIDENT:  
HON. SAMUEL PASCO,  
OF JEFFERSON COUNTY.

FIRST VICE-PRESIDENT:  
HON. J. E. YONGE,  
OF ESCAMBIA COUNTY.

SECOND VICE-PRESIDENT:  
HON. J. T. LESLEY,  
OF HILLSBOROUGH COUNTY.

SECRETARY:  
WM. H. REYNOLDS,  
OF HAMILTON COUNTY.

TALLAHASSEE, FLA.:  
N. M. BOWEN, STATE PRINTER.  
1885.

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9/2/58  
to  
John C. ...

# PROCEEDINGS

—OF THE—

## CONSTITUTIONAL CONVENTION.

### FIRST DAY.

TUESDAY, JUNE 9, 1885.

The people of the State of Florida, on this, the 9th of June, in the year of our Lord Eighteen Hundred and Eighty-five, through their delegates chosen in pursuance of an act of the Legislature of the State of Florida, approved February 12, 1885, entitled an act calling a Constitutional Convention, and providing for electing delegates to the same, assembled in Convention in the Hall of the Assembly, in the Capitol of the State, in the city of Tallahassee, and thereupon, Ex-Gov. L. W. Bethel called the Convention to order.

On motion of Mr. B. F. Oliveros, of St. Johns, Judge A. E. Maxwell, of Escambia, was elected Temporary Chairman, who, upon taking the chair, addressed the Convention as follows:

*Gentlemen of the Convention:*

I thank you for the honor you have done me in placing me here to preside over your temporary organization. I do not know that propriety or custom will require of me, or will justify more than this acknowledgment; but in view of the exceptional nature of the position we occupy I will, with your indulgence, venture a few words further. The unusual and exceeding importance of the work before us can be estimated by the fact that we are the delegates of the people, acting in their

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sovereign capacity, emphatically delegates, but empowered to construct for them a system of State Government—a Constitution—that fundamental frame work which defines rights of persons and property and at the same time provides an organization by which their rights are to be secured, protected and defended. I trust we are all fully impressed with the heavy responsibilities of such a position, and that we will not permit ourselves to be led away from the discharge of its duties by any petty personal ambition or by any selfish schemes. The people who have put their trust in us feel that they have a guarantee of our good faith in their behalf and of our devotion to their interest, in the fellowship which ties us to them as being ourselves a part of the people; and, therefore, entirely identified with them in the desire and purpose to establish such government as will relieve them from the evils of the present system, and ensure to them and their posterity the blessings of civil and religious liberty.

What we have to do demands of us not only good faith in the interest of the people, but also good faith to ourselves in honest and diligent application of our powers to preparing and presenting for approval a well-considered, well-ordered plan of government—one which shall be best adapted to the conditions of society in its varied aspects throughout the State, and at the same time best adapted to secure and promote the general welfare of the people of the State as a whole.

In this country in our day there is little, if anything, left for discussion as to the cardinal principles of government. These are settled. Americans have no further occasion to do more than adjust those principles to practical working functions.

All are agreed that in the people resides the source of power; that on them the foundation of government is planted; and that their voice is the voice of sovereign authority. But it is also agreed that as all persons are not wise, nor all good, there must be restrictions and limitations, checks and balances, by which unwise and evil dispositions can be controlled. As to these there are diversities of opinion, and much, probably most, of our work will be concerned with these. However that may be, gentlemen, let us go at business in that large, patriotic spirit, and with that harmony of purpose from which alone can come the good results contemplated in the calling of this Convention. But I desist, that we may now proceed to a permanent organization.

On motion of Mr. J. E. Yonge, of Escambia, Mr. W. H. Reynolds, of Hamilton, was requested to act as Secretary.

Mr. J. W. Malone, of Gadsden, moved that the Secretary be



authorized to appoint an assistant during the temporary organization ;

Which was agreed to, and Col. J. G. Gibbes, of Gadsden, was appointed such assistant.

Mr. McClellan, of Jackson, moved that a committee of three be appointed to wait upon Hon. John L. Crawford, Secretary of State, and obtain from him a certified copy of the names of the delegates elected to the Convention, which was agreed to, and Messrs. McClellan, Malone and Wescott were appointed such committee, who, after a brief absence, reported that the committee had performed their duty, and presented to the Convention the following list :

STATE OF FLORIDA,  
OFFICE SECRETARY OF STATE, }  
TALLAHASSEE, June 9, 1885.

The following is a list of delegates elect to the Constitutional Convention by counties and districts :

Alachua—E. C. F. Sanchez, B. J. Earle, R. F. Taylor, J. B. Johnston and W. N. Sheats.

Baker—John R. Herndon, district, and W. L. Hunter.

Bradford—J. C. Richard, W. T. Weeks and E. L. Odom.

Brevard—Alexander Bell, district, and H. L. Parker.

Calhoun—James B. Stone.

Clay—Lewis Wilson.

Columbia—W. M. Ives, W. R. Bush, Joseph M. Tolbert and John W. Tompkins.

Dade—James Wood Davidson.

Duval—E. M. Randall, J. C. Greeley, Philip Walter, T. V. Gibbes and J. R. Challen.

Escambia—A. E. Maxwell, J. E. Yonge, W. A. Blount and E. Whitmire.

Franklin—W. T. Orman, district, and Henry C. Hicks.

Gadsden—E. C. Love, district, John W. Malone, George I. Davis and Norman T. Scott.

Hamilton—Thomas N. Bell, J. P. B. Goodbread and Alexander Zipperer.

Hernando—A. S. Mann, John Parsons and J. A. Hendley.

Hillsborough—John T. Lesley, J. P. Wall and S. E. Hope.

Holmes—Wm. F. Green, district, and John Neel.

Jackson—J. F. McClellan, Thomas E. Clarke, W. H. Milton and J. P. Coker.

Jefferson—Samuel Pasco, Wallace S. Jones, T. L. Clarke, S. J. Turnbull and R. C. Parkhill.

Lafayette—W. B. Tedder, district, and Paul Hatch.

Liberty—Lewis D. Carson.

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Leon—D. S. Walker, Jr., district, S. B. Conover, W. B. Carr, J. W. Mitchell and W. F. Thompson.

Levy—E. J. Lutterloh, J. F. Marshall and S. L. Carter.

Marion—J. D. Goss, H. W. Chandler and H. E. Miller.

Madison—Angus Paterson, B. D. Wadsworth, W. H. Hausman, and Theodore Randall.

Manatee—John C. Pelot.

Monroe—L. W. Bethel, Jeremiah Fogarty and R. A. Monsalvatge.

Nassau—C. W. Lewis, S. Petty and H. C. Baker.

Orange—King Wyllly, J. G. Speer and W. B. Randolph.

Polk—C. C. Wilson, district, and J. H. Humphries.

Putnam—W. H. Cook, Irving Gillis and Geo. P. Fowler.

Santa Rosa—J. M. Landrum, R. R. Robertson and Hannibal Rowe.

Sumter—W. A. Hocker, H. H. Duncan and W. M. Bennett.

Suwannee—J. P. Morgan, district, M. M. Blackburn and R. F. Rogers.

St. Johns—F. B. Genovar, John Westcott and B. F. Oliveros.

Taylor—Robert Henderson.

Volusia—John D. Broome, district, and A. L. Wellman.

Wakulla—T. F. Swearingen, district, and Amos Hargret.

Walton—A. L. McCaskill, Daniel Campbell and Obadiah Edge.

Washington—A. D. McKinnon.

STATE OF FLORIDA, }  
OFFICE SECRETARY OF STATE. }

I, Jno. L. Crawford, Secretary of State, do hereby certify that the foregoing is a correct transcript of the original now on file in this office.

Given under my hand and the Great Seal of  
the State of Florida, at Tallahassee, the  
[L. S.] Capital, this 9th day of June, A. D. 1885.  
JNO. L. CRAWFORD,  
Secretary of State.

On motion of Mr. McClellan the roll was called by counties, and the following delegates answered to their names:

Alachua—E. C. F. Sanchez, B. J. Earle, R. F. Taylor, J. B. Johnston, W. N. Sheats.

Baker—John R. Herndon, W. T. Hunter.

Bradford—J. C. Richard, W. T. Weeks, E. L. Odom.

Brevard—Alexander Bell, H. L. Parker.

Calhoun—James B. Stone.

Clay—Lewis Wilson.

Columbia—W. M. Ives, W. R. Bush, Joseph M. Tolbert, John W. Tompkins.

Dade—James Wood Davidson.

Duval—E. M. Randall, Philip Walter, T. V. Gibbes, J. R. Challen.

Escambia—A. E. Maxwell, J. E. Yonge, W. A. Blount, E. Whitmire.

Franklin—W. T. Orman, Henry C. Hicks.

Gadsden—E. C. Love, John W. Malone, George I. Davis, Norman T. Scott.

Hamilton—Thomas N. Bell, J. P. B. Goodbread, Alexander Zipperer.

Hernando—John Parsons, J. A. Hendley.

Hillsborough—John T. Lesley, J. P. Wall.

Holmes—William F. Green, John Neal.

Jackson—J. F. McClellan, Thomas E. Clark, W. H. Milton, J. P. Coker.

Jefferson—Samuel Pasco, Wallace S. Jones, T. L. Clarke, S. J. Turnbull, R. C. Parkhill.

Lafayette—W. B. Tedder, Paul Hatch.

Liberty—Lewis D. Carson.

Leon—D. S. Walker, Jr., S. B. Conover, W. B. Carr, J. W. Mitchell, W. F. Thompson.

Levy—E. J. Lutterloh, J. F. Marshall, S. L. Carter.

Marion—H. W. Chandler, J. D. Goss.

Madison—Angus Paterson, B. D. Wadsworth, W. H. Hausman, Theodore Randall.

Manatee—John C. Pelot.

Monroe—L. W. Bethel, Jeremiah Fogarty, R. A. Monsalvatge.

Nassau—L. Petty, H. C. Baker.

Orange—King Wylly, J. G. Speer, W. B. Randolph.

Polk—C. C. Wilson, J. H. Humphries.

Putnam—W. H. Cook, Irving Gillis, George P. Fowler.

Santa Rosa—J. M. Landrum, R. R. Robertson, Hannibal Rowe.

Sumter—H. H. Duncan, W. M. Bennett.

Suwannee—J. P. Morgan, M. M. Blackburn, R. F. Rogers.

St. Johns—F. B. Genovar, John Westcott, B. F. Oliveros.

Taylor—Robert Henderson.

Volusia—John D. Broome, A. L. Wellman.

Wakulla—T. F. Swearingen, Amos Hargret.

Walton—A. L. McCaskill, Daniel Campbell, Obadiah Edge.

Washington—A. D. McKinnon.

The temporary chairman announced a quorum present.

Mr. Landrum moved that the delegates present be sworn in.

Mr. McClellan moved to lay the motion upon the table ;  
Which was agreed to.

Mr. Green moved that a temporary sergeant-at-arms be appointed ;

Which was agreed to, and Mr. J. J. Thompson was appointed temporary sergeant-at-arms.

The chairman announced that the permanent organization of the Convention was now in order.

Judge E. C. Love, of Gadsden, nominated Hon. Samuel Pasco, of Jefferson, for permanent President of the Convention.

Judge E. M. Randall, of Duval, moved that the nomination be made unanimous ;

Which was agreed to.

Dr. S. B. Conover, of Leon, moved that the roll be called in order to show the vote ;

Which was agreed to.

The vote was :

*For Pasco*—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter Carr, Carson, Challen, Chandler, Clark of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks Humphries, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Mitchell, Montsalvatge, Morgan, McCaskill, McCellan, McKinnon, Neal, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert Tompkins, Turnbull, Wadsworth, Walker, Jr. Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—102.

The Hon. Samuel Pasco having received all of the votes present, was declared unanimously elected President of the Convention.

Judge Randall of Duval, and Col. McClellan of Jackson, were appointed a committee to escort the President-elect to the chair, which being done, the President, upon taking the chair, addressed the Convention as follows :

We have assembled here in obedience to the will of the people of Florida, publicly expressed at the ballot-box, for the purpose of making an entire revision of the Constitution of this State.



The duties which devolve upon us are of such vast importance that a contemplation of them must impress upon each one a profound sense of responsibility.

For a long time there has been dissatisfaction with our present fundamental law. This feeling has found expression in five successive Legislatures, fresh from the people. At the general election of 1884, which called out more voters than ever before appeared at the polls in this State, 31,884 voted in favor of this revision, while only 8,473 put themselves on record against it. Obedient to this expression of the popular will, and pursuant to the forms and requirements of our organic law, the Legislature provided for the assembling of this Convention, and the work of revision has been entrusted to this body of delegates.

The original Constitution of Florida was made at St. Joseph in 1838 and 1839, a few years before she was admitted into the Union, by a Convention which included many eminent citizens whose names adorn the history of our State. With some few amendments it lasted till 1861, when the Convention which passed the Ordinance of Secession assembled. This Convention made some few changes in the St. Joseph Constitution to adapt it to the new relation which the State assumed towards the Confederate Government, and in its changed form it lasted till the close of the late war.

In 1865, under the plan of reconstruction inaugurated by President Johnson, another Convention was held "to amend, alter or change the Constitution." But though the work of this body was in harmony with the President's plan and met with his approval, it was subsequently overthrown by the action of Congress, and the State remained under military control till 1868, when the present Constitution was formed and under it Florida resumed her relations with her sister States in the American Union.

The present is an auspicious time for entering upon the work of revision. The passions engendered by the late war have cooled; the Union is firmly restored and permanently established; the people have become accustomed to their new political relations; those to whom the right of suffrage was extended by the reconstruction acts are learning to discharge the duties of citizenship with judgment and intelligence; the importance of educational progress was never more generally realized; the great work of internal improvement is extending to every portion of the State, and our wonderful resources are being constantly and industriously developed.

If our legislation is based upon a liberal policy and shaped



by prudent and intelligent action the advancement of our State will continue, and as her material interests are developed and strengthened the welfare and happiness of the people will be increased by her moral and social progress and the encouragement of all those elements which make a State truly great and prosperous. And let us remember that mere partisanship has no place here and should not prevail in our councils. The new instrument should be broad enough to cover our entire population. It should clearly recognize the changes made in the National Constitution. It should not be framed merely with a view to political advantage. It should protect all and secure even to the humblest his political rights and personal liberty without reference to nationality. But as the political party by whose action this Convention has been called, and which is represented here by a majority of our membership, will, to a certain extent, be held responsible for any mistakes that may be committed, the members of this party may properly insist that the new Constitution is framed in accordance with their views of governmental policy.

But all our differences will not be on party lines. Many of us may find that we have to surrender cherished views and favorite ideas upon some points. A conclusion can perhaps be reached only by mutual concessions. The history of the past teaches such lessons as these. We should be content with the greatest good for the greatest number if we cannot get what we believe to be the best for all. It ought to be borne in mind that our organization has been the result of years of continuous effort, and that the Convention is an expensive burden to the State. If our labors fail—if we frame an instrument that does not satisfy the people, the time and money embarked in this work will be lost, and for years to come the public mind will be disturbed by new attempts to bring about what we came here to do and failed to accomplish. We must all remember that we are here representing not a political party, not a single county, not a mere belt or section, but the entire State, the wants and interests of a whole people diversified, and sometimes apparently antagonistic in different sections, but capable of being wrought into harmony and unity if we exclude selfishness and are governed by conservative and patriotic influences.

A high and solemn trust has been imposed upon us; the eyes of the people are upon us to see how we discharge it. Let us act diligently, intelligently, without selfishness, without partisanship, with a due regard for each other's rights, with a determination to secure, if possible, a Constitution that will meet the wants of our beloved State that we and our children

after us can live under in peace, freedom, security and prosperity.

You have bestowed upon me the highest office in your gift. I accept it. I appreciate it. In after years I shall reflect with pleasure and satisfaction upon this proof of your good will and confidence. Be assured that I will endeavor to discharge my duties as your President faithfully and impartially, and that I will exert myself in every way that I can to bring the labors of the Convention to a favorable and satisfactory conclusion.

The President announced the election of a Secretary to be in order.

Col. J. F. McClellan, of Jackson, nominated Wm. H. Reynolds, of Hamilton, for Secretary.

Mr. H. C. Baker, of Nassau, moved that the nomination be made unanimous ;

Which was agreed to, and Wm. H. Reynolds was declared duly elected Secretary of the Convention.

Mr. R. F. Taylor, of Alachua, nominated Mr. J. J. Thompson, of Alachua, for segeant-at-arms.

Mr. J. W. Tompkins, of Columbia, moved that the nomination be made unanimous ;

Which was agreed to, and Mr. J. J. Thompson was declared duly elected sergeant-at-arms of the Convention.

Mr. J. E. Yonge, of Escambia, nominated Mr. G. W. Hinsey, of Franklin, for door keeper of the Convention.

Mr. Orman, of Franklin, moved to make the nomination unanimous ;

Which was agreed to, and Mr. G. W. Hinsey was declared duly elected door keeper of the Convention.

Dr. Conover moved that the officers elect be sworn in ;

Which was agreed to, and Judge A. E. Maxwell administered the oath to the following officers to wit :

Mr. W. H. Reynolds, Secretary.

Mr. J. J. Thompson, Seargeant-at-Arms.

Mr. G. W. Hinsey, Doorkeeper.

Hon. J. E. Yonge, of Escambia, offered the following :

*Mr. President:* I rise at this time to suggest to this Convention that the people of the State of Florida, through the members of this body render a most proper tribute of respect and sympathy to our most worthy Chief Magistrate in this hour of his great domestic affliction. On Sunday last the hand of death, though guided by an all wise Providence, was laid heavily upon his household and bore away a daughter, lovely and well beloved. Having just arrived at the estate of womanhood, she was the pride alike of parents and friends.

I know full well, Mr. President, that we can not in this public

way fitly touch a subject so tender and so full of a sorrow sacred at home, yet I desire to move that this Convention, on behalf of the people of Florida, tender to Governor Perry, and to his family, a most sincere sympathy in their grief, and as a further mark of respect, that this Convention do now adjourn until to-morrow morning at ten o'clock;

Which was adopted, and the Convention adjourned until 10 o'clock a. m. to-morrow.

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## SECOND DAY.

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WEDNESDAY, JUNE 10, 1885.

The Convention met pursuant to adjournment.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carr, Challen, Chandler, Clark of Jackson, Coker, Corover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hausman, Hendley, Henderson, Hernston, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—96.

A quorum present.

Prayer by Rev. R. F. Rogers, of Suwannee county.

On motion of Mr. Orman the reading of the Journal was dispensed with.

The Journal was corrected by inserting after the word pursuance, the following :

Of an act of the Legislature of the State of Florida, approved February 12, 1885, entitled an act calling a Constitu-

tional Convention and providing for electing delegates to same.

Mr. McClellan offered the following :

*Resolved*, That the standing committees of this Convention be as follows :

1. A Committee on the Preamble, Declaration and Bill of Rights.
2. A Committee on the Executive Department.
3. A Committee on the Legislative Department.
4. A Committee on the Judicial Department.
5. A Committee on the Right of Suffrage and Qualification of Officers.
6. A Committee on Civil Officers and Removal of Officers.
7. A Committee on Impeachment of Officers.
8. A Committee on Taxation and Revenue.
9. A Committee on Census and Apportionment of Representation.
10. A Committee on Education.
11. A Committee on Incorporation.
12. A Committee on Boundaries.
13. A Committee on City, Town and Municipal Corporations.
14. A Committee on the Seat of Government.
15. A Committee on Homestead and Exemptions.
16. A Committee on Engrossing and Enrollment.
17. A Committee on Printing.

*And be it further resolved*, That the Committee on the Judicial Department, the Committee on Taxation and Revenue, and the Committee on Census and Apportionment, shall consist of thirteen members each, and that all other Committees shall consist of seven members, and that all of said Committees shall be appointed by the President of this Convention.

Mr. Walker offered the following :

*Whereas*, This Convention is vested with the power to make an entire revision of the Constitution of Florida, and such power of revision, through the wise policy of our institutions, is without prescribed limit; and this Convention is to look to the Constitution of the United States and the genius of our institutions for the limits within which it must act in forming an organic law; and it is wise at the beginning of our deliberations to prescribe a method of action which will at least have an influence to guide our counsels in the direction of conservative action; and it is expedient for the necessary changes in the Constitution of Florida to be made by amendment thereto;



and many doubtful parts of the Constitution, which it may not be found necessary to change, have been construed by the Supreme Court; and where there exists a difference in language there may arise a difference in construction; therefore be it

*Resolved*, 1. That the Constitution which shall be drafted by this Convention should accord in style and language with the existing Constitution, as near as may be consistent with changes found necessary upon a complete revision of the existing Constitution.

*Resolved*, 2. That eighteen committees be appointed by the President for the purpose of revising the Constitution and suggesting amendments thereto, and that to one of said committees be referred the preamble and declaration of rights, and to each of the other committees be referred a separate article of the Constitution, and that said committees be directed to report to this Convention such amendments as shall be by them respectively agreed upon, and that no other committees be appointed with duties which shall appertain to the duties imposed upon the committees to be appointed under this resolution, but that all matters arising relating to the revision of the Constitution be referred to an appropriate committee herein provided for.

Mr. Oliveros moved that the reading of the resolution be laid over until an organization be completed;

Which was not agreed to, and Mr. McCaskill called for the reading of the resolution.

The resolution offered by Mr. McClellan was then read for information.

The resolution offered by Mr. Walker was also read for information.

On motion of Mr. Oliveros, the Convention proceeded to complete its organization.

Mr. Conover moved that the Convention adopt the rules of the last General Assembly with exception of Rule 53.

Mr. Marshall offered the following as a substitute:

*Resolved*, That a committee of nine, of which the President of the Convention shall be *ex officio* chairman, be appointed to consider and report rules for the government of this Convention, and that until this committee report, the Convention shall be governed by the rules of the *House of Representatives*, so far as the same are applicable, with exception of Rule 53;

Which was read and adopted.

Mr. Taylor, offered the following:

*Resolved by the Convention*, That the President be author-



ized to appoint a stenographer to take down all the proceedings of this Convention, with such pay as may be fixed by the Committee on Expenditures, and that such stenographer be sworn faithfully to discharge the duties of his office before entering thereon.

Mr. Orman moved to lay the resolution on the table.

The yeas and nays were called for by Messrs. Baker and Chandler.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Campbell, Carter, Clark of Jackson, Coker, Cook, Davis, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Madison, Randolph, Richard, Rowe, Scott, Speer, Stone, Swearingen, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay and Wylly—65.

Nays—Mr. President, Messrs. Baker, Bell of Hamilton, Blount, Bush, Carr, Challen, Chandler, Conover, Davidson, Duncan, Gibbs, Goodbread, Goss, Greeley, Hargret, Hocker, Hunter, Lewis, Maxwell, Miller, Mitchell, Petty, Randall of Duval, Sanchez, Sheats, Taylor, Thompson, Tolbert, Tompkins, Walker, Jr., Wall, Walter, Whitmore, Wilson of Polk and Manatee, Yonge and Zipperer—37.

So the motion to lay on the table prevailed.

Mr. Rogers, of Suwannee, offered the following :

*Resolved*, That the permanent organization of the Convention be completed by the election of one Assistant Secretary, one Assistant Sergeant-at-Arms, one Reading Clerk, two Messengers, one Engrossing and Enrolling Clerk, and one Recording Clerk ;

Which was adopted.

Mr. Chandler moved to insert after the words Assistant Secretary, "provided that he shall be an experienced stenographer ;"

Which was not agreed to.

Mr. Rogers nominated D. M. McAlpin, of Suwannee, for Assistant Secretary.

Mr. Oliveros, of St. Johns, moved that Mr. McAlpin be declared unanimously elected ;

Which was agreed to.

Mr. Yonge, of Escambia, nominated Mr. J. Calloway, of Jackson county, for Assistant Sergeant-at-Arms.

Mr. Tompkins, of Columbia, moved to make the election of Mr. Calloway unanimous ;

Which was agreed to.

Mr. Lesley, of Hillsborough, nominated G. A. K. Stevens, of Polk, for Reading Clerk.

Mr. Genovar, of St. Johns, moved to make the election of Mr. Stevens unanimous ;

Which was agreed to.

Mr. Paterson, of Madison, nominated George Dice, of Madison, for Messenger.

Mr. Fowler, of Putnam, moved to make the election of Mr. Dice unanimous ;

Which was agreed to.

Mr. Hicks, of Franklin, moved to postpone the election of the other messenger until to-morrow.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Blackburn, Clark of Jackson, Coker, Conover, Davidson, Davis, Earle, Genovar, Goodbread, Hatch, Hausman, Hendley, Hernon, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Milton, Morgan, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Randall of Madison, Richard, Rogers, Rowe, Sanchez, Scott, Stone, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Weeks, Wilson of Clay, Wilson of Polk and Manatee, and Wyly—50.

Nays—Messrs. Baker, Bennett, Bethel, Blount, Broome, Bush, Campbell, Carter, Carr, Challen, Chandler, Cook, Duncan, Edge, Fogarty, Fowler, Gibbs, Gillis, Greeley, Green, Hargret, Ives, Lesley, Lewis, Marshall, Maxwell, Miller, Mitchell, Monsalvatge, McCaskill, McClellan, McKinnon, Neel, Petty, Randall of Duval, Randolph, Sheats, Speer, Swearingen, Thompson, Tompkins, Walker, Jr., Wall, Walter, Wellman, Whitmire, Yonge, and Zipperer—49.

So the motion to postpone the election of the other messenger until to-morrow prevailed.

Mr. Challen moved that the election of Engrossing and Enrolling Clerk be deferred until after the reports of the standing committees are received.

Mr. Hicks moved to lay the motion on the table

The yeas and nays were called for by Mr. Chandler, of Marion, and Mr. Baker, of Nassau.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Bush, Campbell, Carter, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis,

Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Monsalvatge, Morgan, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Randall of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—80.

Nays—Messrs. Baker, Carr, Challen, Chandler, Fowler, Gibbs, Goss, Hargret, Miller, Mitchell, McKinnon, Randall of Duval, Thompson, Tompkins and Walter—15.

So the motion to lay on the table prevailed.

Mr. Lesley, of Hillsborough, nominated Milton J. Bryan, of Hamilton county, for Enrolling and Engrossing Clerk.

Mr. Thompson, of Leon, nominated Mr. Charles A. Choate, of Leon.

Mr. Choate's name was withdrawn, and upon the motion of Mr. Milton, of Jackson, the election of Mr. Bryan was made unanimous.

Mr. Weeks, of Bradford, nominated J. C. Clark, of Bradford, for Recording Clerk.

Mr. Thompson, of Leon, nominated Chas. A. Choate, of Leon.

The roll being called the vote was :

*For Clark*—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Randall of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—83.

*For Choate*—Messrs. Baker, Carr, Challen, Chandler, Fowler, Gibbs, Greeley, Landrum, Miller and Thompson—10.

Mr. Clark was declared elected.

On motion, the officers elected were sworn in by Hon. A. E. Maxwell.

Mr. Walker, of Leon, offered the following resolution :

*Resolved*, That a committee of three be appointed to inform the Governor that this Convention has completed its organization, and at all times invites the co-operation of the State Government in aid of its counsels.

Mr. Baker, of Nassau, moved to proceed to the election of Pages.

Mr. Orman moved to lay the motion on the table ;

Which was agreed to.

Mr. Bethel, of Monroe, moved to adopt the resolution offered by Mr. Walker, of Leon ;

Which was agreed to.

Mr. Marshall, of Levy, offered the following :

*Resolved*, That the President of the Convention be authorized to make arrangements looking to the opening of the morning sessions of the Convention with prayer ; and that, to that end, he be requested to invite the clergy of the city to attend, one each day, at the hour of the assembling of the Convention.

Mr. Yonge offered as a substitute that the President be authorized to engage the services of a Chaplain for the session.

Mr. Hicks, of Franklin, offered to amend the substitute by electing a Chaplain.

The amendment to the substitute was lost.

Mr. Jones, of Jefferson, moved to amend by requesting the members of the Convention who are ministers to perform the duties of Chaplain.

Mr. McKinnon, of Washington, moved to lay the whole matter on the table ;

Which was agreed to.

Mr. Speer, of Orange, offered the following resolution :

*Resolved*, That the members of the Convention retire from the Hall and the Secretary shall place in a box thirty-nine strips of paper, having on each strip the name of one of the counties of the State of Florida, and as each piece of paper is drawn from the box the Secretary shall announce the name on the paper, and the delegation from said county shall select at once the place for their seats.

Mr. Mitchell, of Leon, moved to lay the resolution on the table.

Mr. Speer and Mr. Chandler called for the yeas and nays.

The roll being called, the vote was :

Yeas—Messrs. Baker, Bennett, Bethel, Blackburn, Bush, Campbell, Carter, Carr, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Green, Hargret, Hatch,



Hocker, Hope, Humphries, Ives, Landrum, Lesley, Lewis, Malone, Maxwell, Miller, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Oliveros, Orman, Pelot, Randall of Duval, Rogers, Rowe, Sanchez, Scott, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Wall, Walter, Whitmire, Wilson of Polk and Manatee, and Younge—62.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Blount, Broome, Davidson, Gillis, Goodbread, Goss, Greeley, Hausman, Hendley, Henderson, Herndon, Hicks, Hunter, Johnston, Jones, Lutterloh, Marshall, Milton, Odom, Parker, Parkhill, Parsons, Paterson, Randall of Madison, Richard, Sheats, Speer, Swearingen, Turnbull, Wadsworth, Walker Jr., Weeks, Wellman, Wilson of Clay, Wyly and Zipperer—38.

So the motion to lay on the table was carried.

Mr. Thompson, of Leon, offered the following :

*Resolved*, That the seats now occupied by delegates be their permanent seats during the session, except changes made by mutual consent.

Mr. Swearingen moved to lay the motion on the table ;  
Which was lost.

Mr. Maxwell moved as a substitute the following :

That the delegates now retire from their seats, and that the Secretary prepare slips each to have the name of a delegate, said slips to include all delegates, and that said slips be placed in a box or hat by him ; and it shall then be the duty of the sergeant-at-arms to draw said slips out, one at a time, and to announce the name appearing on said slip, when the delegate whose name appears shall select a seat for himself in this hall which he shall occupy during the session of the Convention ;

Which was adopted.

Mr. Randall moved to amend as follows :

*Resolved*, That the drawing shall be as follows : When the name of a delegate from any county, including the delegates from any Senatorial District residing in such county, shall be drawn, the whole delegation from the county, including Senatorial delegates, shall be admitted, and each of such delegates may select his permanent seat ;

Which was adopted.

Mr. Baker moved to lay the whole matter on the table ;

Which was not agreed to.

Mr. Miller moved that the whole matter be referred to the Committee on Rules.

Mr. Swearingen moved to lay the motion on the table ;

Which was agreed to.



Mr. McClellan moved to adopt the substitute as amended and called the previous question.

The previous question was ordered and the motion agreed to.

The President appointed the following committee to wait upon the Governor, to wit:

Messrs. Walker, Maxwell and Randall, of Duval.

Also the following committee on rules, to wit:

Messrs. Bethel, McClellan, Oliveros, McCaskill, Malone, Marshall, Speer, Conover and Chandler.

On motion of Mr. Miller, the Convention adjourned until 10 o'clock a. m. to-morrow.

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## THIRD DAY.

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THURSDAY, JUNE 11, 1885.

The Convention met pursuant to adjournment.

The roll being called the following delegates answered to their names:

Mr. President. Messrs. Baker, Bell of Brevard, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carr, Carson, Challen Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McLellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk, Wyllly, Yonge and Zipperer.—99.

A quorum present.

Prayer by Rev. A. C. McCants.

Mr. Green moved that the reading of the minutes be dispensed with;

Which was agreed to.

The Journal of yesterday was corrected.

On motion of Mr. Bethel, Mr. Monsalvatge was excused for the day on account of sickness.

Mr. Walker offered the following memorial:

TALLAHASSEE, FLA., June, 1885.

*To the Honorable, the Members of the Constitutional Convention, Tallahassee:*

The Regents of the University of Florida most respectfully memorialize your honorable body on the importance of providing, in the revision of the Constitution, amply for the maintenance of the State University, according to the spirit of the old Constitution, in Section 2 of Article VIII, and the prescribing more distinctly the method by which the endowment and maintenance shall be made. If this is to be, as seems by the old Constitution, by joint use of the common school fund, then this should be better specified.

Your memorialists respectfully represent the great importance of this provision to the highest interests of the State in every way, and refer to the fact that the sister States have all made ample provision for their great Universities.

J. KOST, Chancellor.

J. T. BERNARD, Secretary.

On motion of Mr. Conover, the memorial was ordered printed in the Journal and referred to the appropriate committee.

On motion of Mr. Lesley, Mr. Pelot was excused on account of sickness.

Mr. Johnston offered the following resolution:

*Resolved*, That the Secretary of this Convention be authorized to have printed two thousand copies of each day's Journal for the use of the members until otherwise directed, and that the State Printer shall receive such compensation therefor as may be agreed upon in the manner now prescribed by law, by agreement with the Committee on Printing;

Which was read.

Mr. Oliveros moved that 2,000 be stricken out, and 1,000 inserted.

Mr. Baker moved that the whole matter be deferred until to-morrow morning at 11 o'clock.

Mr. Walter moved to lay the motion on the table;

Which was agreed to

The vote was then taken on the amendment offered by Mr. Oliveros;

Which was not agreed to.

The resolution of Mr. Johnston was then adopted.

Mr. Mann offered the following resolution :

*Whereas*, It is very important that the delegates of this Convention should have constantly before them all matter bearing upon the subject to be considered and revised, as well as the higher law which must ever govern when any conflict shall occur ; therefore, be it

*Resolved*, That the Secretary of State cause to be printed for the use of this Convention the Constitution of the United States with all amendments thereto, and the Constitution of the State of Florida with references to the decision of the Supreme Court made in exposition thereof, and all action had in our State Legislature calling this Convention, with such other documents as may be deemed advisable by a committee of three, to be appointed by the chair.

Mr. Oliveros moved to lay the resolution on the table ;

Which was agreed to.

Mr. Speer offered the following resolution :

*Whereas*, The question of regulating the sale of liquors in Florida has assumed such importance that it must be considered ; therefore, be it

*Resolved*, That a committee of seven be appointed by the President, which shall be one of the standing committees of this body, to whom shall be referred all papers and petitions on the subject of temperance.

Mr. McClellan moved to lay the resolution on the table ;

Upon which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Blount, Bush, Clark of Jackson, Coker, Conover, Fogarty, Genovar, Goodbread, Hausman, Hendley, Henderson, Humphries, Ives, Jones, Lesley, Love, Malone, Maxwell, Miller, Milton, McClellan, Oliveros, Parsons, Paterson, Randall of Madison, Richard, Stone, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Walter, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Yonge and Zipperer—39.

Nays—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Campbell, Carter, Carr, Carson, Challen, Chandler, Cook, Davidson, Davis, Duncan, Earle, Edge, Fowler, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Herndon, Hicks, Hocker, Hope, Hunter, Johnston, Landrum, Lewis, Lutterloh, Mann, Marshall, Mitchell, Morgan, McCaskill, McKinnon, Neal, Odom, Orman, Parker, Parkhill, Petty, Randall of Duval, Randolph, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer,

Swearingen, Thompson, Tompkins, Walker, Jr., Wall, Weeks and Wyllly—62.

So the motion to lay on the table was lost.

The vote on the resolution was then taken and the resolution was declared adopted.

Mr. McClellan moved that hereafter all resolutions offered be read for information, and be required to lay on the table until the next day before action.

Mr. Malone moved to amend by excepting all resolutions referring to standing committees ;

Which was accepted, and the resolution was agreed to.

Mr. Mann offered the following :

*Resolved*, That a committee of five be appointed by the Chair who shall confer with the Secretary of State and recommend for publication and the use of this body such matter as they may deem important as a guide in our labors ;

Which was laid over under the rule.

Mr. Marshall offered the following resolution :

*Resolved*, That a committee of seven be appointed by the President of the Convention to determine what committees are necessary to the transaction of the business of the Convention, and to report the titles and functions of the same, and the number of persons of which each shall be composed.

Mr Bennett offered the following resolutions :

*Resolved*, That in order to expeditiously and efficiently transact the business for which this Convention assembled, the President is hereby empowered to appoint twelve standing committees, composed of seven members each ; said committees shall consider and report upon the respective subjects assigned to them, to wit :

1. Preamble and Declaration of Rights.
2. Legislative Department.
3. Executive Department.
4. Judiciary.
5. Suffrage and Elections.
6. Taxation, Finance and Public Debt.
7. Education.
8. Corporations, Railroads, Canals, Insurance, &c.
9. Public Buildings and Institutions.
10. Homestead and Property Exemptions.
11. Counties and County Officers.
12. Miscellaneous Provisions.

*Resolved*, That each of the foregoing committees shall

appoint one of its members to represent it on a committee of revision and arrangement, and the President shall appoint not less than thirteen members in addition, and to said committee shall be referred the accepted reports of the general Standing Committees for revision and harmonious arrangement.

*Resolved*, That all documents presented to this Convention containing Constitutional provisions be referred to appropriate committees without debate.

Mr. Mann offered the following resolutions :

*Resolved*, That the standing committees shall be as follows :

1. Judiciary, consisting of 15.
  2. Executive, consisting of 9.
  3. Legislative, consisting of 9.
  4. Electoral and Representative Reform, consisting of 9.
  5. The Rights of Suffrage, consisting of 9
  6. Education, consisting of 9.
  7. Municipal Corporations, consisting of 9.
  8. Railroads, consisting of 9.
  9. Miscellaneous Subjects, consisting of 9.
  10. Revenue, consisting of 9.
  11. Finance, consisting of 9.
  12. Banks and Currency, consisting of 9.
  13. State, County and Municipal Indebtedness, consisting of 9.
  14. Public Accounts and Expenditures, consisting of 9.
  15. Military Affairs, consisting of 9.
  16. Retrenchment and Reform, consisting of 9.
  17. Counties, consisting of 9.
  18. Township Organization, consisting of 9.
  19. Judicial Circuits, consisting of 9.
  20. Congressional Apportionments, consisting of 9.
  21. Legislative, consisting of 9.
  22. Manufactories and Agriculture, consisting of 9.
  23. State Institutions and Public Buildings, consisting of 9.
  24. Penitentiary and Reformatory Institutions, consisting of 9.
  25. Bill of Rights, consisting of 9.
  26. Federal Relations, consisting of 9.
  27. Future Amendments, consisting of 9.
  28. Internal Improvement Lands and Internal Improvements, consisting of 9.
  29. Printing and Binding, consisting of 9.
  30. Revision and Adjustment, consisting of 9.
- To be referred to committee by request.



*Resolved*, That the Order of Business shall be :

1. Reading the Journal.
2. Communications and Presentation of Petitions.
3. Unfinished Business of the Previous Day.
4. Reports from Standing Committees.
5. Reports from Select Committees.
6. Presentation of Resolutions and Propositions to Amend the Constitution

To be referred to proper committee by request.

Mr. Turnbull offered the following resolution :

*Resolved*, That a special committee of five be appointed by the chair to receive proposals for the printing of the Constitutional Convention, said committee to report as early as possible.

Mr. Maxwell moved that the resolution offered by Mr. Marshall, that a committee of seven be appointed to determine the number and functions of committees of this Convention, be taken up :

Which was agreed to.

Mr. Malone offered to amend by inserting the word "standing" before the word committee.

Mr. Mann offered to amend by making the number 9 instead of 7.

Both amendments were accepted.

Mr. Maxwell moved that the Convention proceed to vote upon the resolution as amended, and called the previous question.

The yeas and nays were called for by Messrs. Walker and Conover.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Coker, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Oliveros, Orman, Parker, Parkhill, Parsons, Pater-son, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—84.

Nays—Messrs. Baker, Carr, Chandler, Conover, Earle, Gibbs, Goss, Hargret, Johnston, Lesley, Miller, Mitchell, Petty, Sheats, Taylor, Thompson and Walker, Jr —16.

So the previous question was ordered.

The resolution as amended was then adopted.

Mr. McClellan offered the following :

*Resolved*, That all resolutions that have been introduced before this Convention on the subject of standing committees, be referred to the committee of 9 appointed to report to this Convention what standing committees are necessary to transact the business of this Convention, and moved its adoption ;

Which was agreed to.

Mr. Miller moved to suspend the rules and take up the motion relative to Convention printing.

Mr. McCaskill moved to lay the motion to suspend on the table ;

Which was agreed to.

Mr. Yonge moved that the Convention proceed to the election of one Messenger and four Pages ;

Which was agreed to.

Mr. Sheats nominated W. M. Myers for Messenger.

Mr. Hicks moved to make the election of Mr. Myers unanimous ;

Which was agreed to.

The Convention then proceeded to the election of four pages.

Charles Hopkins, Glover Miller, J. W. Johnston and Eugene Hawkins were nominated and declared elected.

Mr. Mann moved that the Convention choose five pages, and nominated H. W. Fowler for the fifth one.

Mr. Wilson moved to lay the motion on the table.

The yeas and nays were called for by Messrs. Baker and Chandler.

The vote was :

Yeas—Messrs. Blackburn, Campbell, Clark of Jackson, Coker, Davis, Edge, Green, Hausman, Hendley, Hope, Humphries, Lesley, Love, Malone, Milton, McCaskill, Oliveros, Paterson, Randall of Madison, Richard, Scott, Stone, Tolbert, Wadsworth, Wall, and Wilson of Polk and Manatee—25.

Nays—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blount, Broome, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Hargret, Hatch, Henderson, Herndon, Hicks, Hocker, Hunter, Ives, Johnston, Jones, Landrum, Lewis, Lutterloh, Mann, Marshall, Maxwell, Miller, Mitchell, Monsalvatge, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill,

Parsons, Petty, Randall of Duval, Randolph, Robertson, Rogers, Rowe, Sheats, Speer, Swearingen, Taylor, Tedder, Thompson, Tompkins, Turnbull, Walker, Jr., Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wylly, Yonge and Zipperer—78.

So the motion did not prevail.

The Convention proceeded to vote for the fifth Page and Mr. Fowler was declared elected.

The committee appointed to inform the Governor that this Convention had completed its organization, and at all times invited the co-operation of the State Government in aid of its counsels, reported that they had so informed the Governor, and that the Governor expressed his thanks and appreciation to the Convention, and that he would communicate to this body in writing, probably in the near future.

On motion of Mr. Green the report was received and the committee discharged.

The Convention took a recess for fifteen minutes in order to draw for seats as provided in resolution passed on yesterday.

The Convention resumed its session.

The President announced the following Committee on Standing Committees:

Messrs. Maxwell, Randall, of Duval, Taylor, McClellan, Love, Walker, Jr., Mann, Bennett and Miller.

On motion of Mr. Walter the Convention adjourned until 10 o'clock A. M. to-morrow.

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## FOURTH DAY.

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FRIDAY, JUNE 12, 1885.

The Convention met pursuant to adjournment.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman,

Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—105.

A quorum present.

Mr. Turnbull moved to dispense with reading of the Journal ; Which was agreed to.

The Journal was corrected and approved.

Mr. Walker, Jr., offered the following resolution :

*Resolved*, That whatever shall be referred to a committee as a proposed amendment to the existing Constitution, or as a part of a new Constitution, or an ordinance of this Convention, shall be reported upon within a reasonable time.

Mr. Oliveros offered the following resolution :

*Resolved*, That the desk of the Reading Clerk be placed as near the center of the Hall as convenient, and that one page be assigned to convey papers from the Secretary's desk to that of the Reading Clerk.

Mr. Rogers offered the following resolution :

*Whereas*, It is the sense of this Convention that we need a permanent chaplain to open the daily sessions with prayer ; therefore,

*Resolved*, That the President be authorized to make such arrangements as he may think proper to secure the service of some minister to act as chaplain for this Convention.

Mr. Zipperer offered the following resolution :

*Whereas*, The organization of this body is not completed without the election of a Chaplain ;

*Resolved*, That we proceed to elect a Chaplain from this body or elsewhere to serve during the term at a stated salary, said salary not to exceed one hundred dollars.

Mr. Humphries offered the following resolution :

*Resolved*, That the Secretary of this Convention shall be required, after reading the journals and the disposition of unfinished business, to call the roll of Senatorial Districts, at which

time any member of said district shall be permitted to introduce resolutions pertaining to the business of the Convention.

Mr. Hicks offered the following resolution :

*Whereas*, The present Convention, being composed largely of new members, uncontaminated with the wiles and manipulations of the members and politicians who have served in former Legislatures, do not as yet require the services of a chaplain, and to employ the services of a chaplain for the benefit of the small number of old members and politicians in this body would be a useless expenditure of the public money, as they are certainly beyond the present plan of redemption ; therefore, be it

*Resolved*, That no money shall be appropriated to pay for the services of a chaplain.

Mr. Bennett offered the following resolution :

TO REGULATE THE LIQUOR TRAFFIC BY THE VOTE OF COUNTIES.

SECTION 1. A majority of the legally qualified voters of a county may by ballot permit or prohibit all traffic in spirituous, malt or fermented liquors, or other intoxicants.

SEC. 2. Whenever one hundred qualified electors in any county in this State shall, in writing, petition the Legislative Board of such county to order an election, to permit or prohibit the traffic in intoxicants, said Board shall, within forty (40) days after receiving such petition, issue notices for an election to be held in not less than thirty nor more than forty days from the date of such notices ; *Provided*, That no such election shall be held within sixty (60) days previous, nor thirty (30) days subsequent, to any regular or general election for State or county officers. Neither shall there be more than one such election held within a year.

SEC. 3. All elections held in pursuance of the provisions of the foregoing sections shall be conducted according to the laws and rules provided for regular and general elections, and all infractions of such laws and rules shall incur like penalties.

Mr. Mitchell offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to furnish fifteen (15) copies of McClellan's Digest for the use of this Convention.

Mr. Speer offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be directed to prepare seats and desks on the floor of the Hall for editors and reporters of the public press, and they are hereby invited to occupy the same.



Mr. Randolph offered the following resolution :

*Resolved*, That whereas, the Convention is without a Chaplain, and that we are hereby setting a precedent unheard of in legislative or deliberative bodies ;

*Resolved*, That we proceed to the election of a Chaplain to be paid a salary such as may be decided upon by the Finance Committee.

Mr. Bethel offered the following resolution :

*Resolved*, That a committee of three be appointed to revise and superintend the recording of the Journal of this Convention.

Mr. Turnbull tendered an invitation from Hon. D. S. Walker, Sr., in behalf of the University Library, to the members of this Convention, inviting them to visit the library at their leisure moments.

Mr. Walter moved that the invitation be accepted and the thanks of this Convention be returned ;

Which was unanimously agreed to.

Mr. Maxwell, Chairman of Committee on Necessary Committees made the following report :

The committee to determine what committees are necessary to the transaction of the business of the Convention, and to report the titles, functions, and number of each committee, beg leave to report the following resolutions :

*Resolved* 1. That in order to the convenient transaction of the business of the Convention, the President be authorized to appoint the following standing committees, to consist of nine members each, except where a different number is herein otherwise provided for :

1. A Committee on Preamble and Bill of Rights.
2. A Committee on the Legislative Department—eleven members.
3. A Committee on the Executive and Administrative Department.
4. A Committee on the Judicial Department—thirteen members.
5. A Committee on Census, Apportionment and Boundaries—thirteen members.
6. A Committee on Suffrage and Eligibility—eleven members.
7. A Committee on Education.
8. A Committee on Homesteads and Exemptions and Property of Married Women.
9. A Committee on Public Institutions.
10. A Committee on Taxation and Finance—eleven members.

11. A Committee on Private Corporations.
12. A Committee on Militia.
13. A Committee on Amendments to the Constitution.
14. A Committee on County, Township and City Organization.
15. A Committee on Miscellaneous Provisions.
16. A Committee on Style and Arrangement of the Constitution—eleven members.
17. A Committee on Schedule.

*Resolved*, 2. That the functions of these committees shall be to revise the Constitution in such matters as are indicated by their respective titles, and to consider and report on all matters referred to them.

Your Committee report, as necessary to the current business of the Convention, other committees, to consist of five members each, as follows :

1. A Committee on Enrollment and Engrossment.
2. A Committee on Expenditure.
3. A Committee on Printing.

The functions of these committees are sufficiently indicated by their titles.

Respectfully submitted.

A. E. MAXWELL, Chairman.

Mr. Bethel moved that the report of the committee be accepted ;

Which was agreed to.

Mr. Campbell moved that the report of the committee be adopted and immediate action be taken thereon ;

Which was agreed to.

Mr. Bethel, Chairman of Committee on Rules, made a verbal report, that the committee had been working and would probably report to-morrow.

Mr. Baker moved to suspend the rules and that the Convention proceed to the election of a Chaplain ;

Which was agreed to, and nominations were declared in order.

Mr. Speer nominated Rev. T. E. Smith.

Mr. Fowler nominated Rev. A. C. McCants.

Mr. Conover nominated Rev. W. H. Carter.

Mr. Turnbull nominated Rev. H. H. Kennedy.

Mr. Walter nominated Rev. C. C. McLean.

Mr. Bethel moved that nominations be closed ;

Which was agreed to.

The vote was as follows :

Mr. Carter, 20 ; Mr. McCants, 41 ; Mr. Smith, 13 ; Mr. Kennedy, 24 ; Mr. McLean, 4.

Mr. McCaskill moved that inasmuch as there was no election that Rev. Mr. McCants be elected Chaplain by acclamation;

Which was agreed to, and Mr. McCants was so declared elected.

The following communication from the Governor was received:

EXECUTIVE OFFICE,  
TALLAHASSEE, FLA., June 11, 1885. }

*To the President and Members of the Constitutional Convention of Florida:*

GENTLEMEN: I have the honor to acknowledge your courtesy in advising me through your committee of your organization as the Constitutional Convention of the delegates of the people of Florida. I heartily welcome you here and congratulate the people of our State upon the selection as their delegates for the important purpose of revising their organic law, men whose characters for wisdom, prudence and love for Florida, are a safe guaranty that the deliberations and labors of your body will have for their aim and purpose the best interest of our beloved State and the welfare and prosperity of all her people.

I take pleasure in tendering to you the cordial co-operation of the Executive and all the Administrative Departments of our present State Government, and assuring you that every Department will hold itself ready with any information it may possess as to the present or past affairs of State, or otherwise to facilitate in every way possible the labors not only of your body and your committees, but of the individual members of the Convention.

I beg leave to express to you, and through you to the people of our State, my appreciation of and gratitude for the distinguished honor and generous tribute of respect and sympathy conveyed by your proceedings of the 9th instant.

With profound gratitude to you and the people of Florida, I have the honor to be your and their obedient servant,

E. A. PERRY.

Which was read.

Mr. Walter moved that the communication just received be spread upon the Journal;

Which was agreed to.

On motion of Mr. Miller, the Convention adjourned until 11 o'clock A. M. to-morrow, in order to give the committee time to act.

## FIFTH DAY.

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SATURDAY, JUNE 13, 1885.

Convention met pursuant to adjournment.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Petty, Pelot, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—103.

A quorum present.

Prayer by the Chaplain.

Mr. Parkhill moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Campbell offered the following resolution :

*Whereas*, The present Constitution of Florida deprives the people of Florida of the privilege of electing the officers of the State and the different county officers, except their Chief Magistrate, the Governor, and in this respect is undemocratic, and contrary to the spirit of republican government ; therefore, be it

*Resolved*, That the people of Florida be authorized by the organic law, to elect each and every officer, both State and county, that this Convention may determine necessary ; and be it further

*Resolved*, That the officers of said State shall consist of the following, to-wit: A Chief Magistrate, to be styled the Governor; a Comptroller, a Treasurer, Secretary and an Attorney-General, and that the judicial power of said State shall be vested in a Supreme Court, Chancery Courts, Circuit Courts and Justices of the Peace, and the Legislature may provide courts in cities and towns and give said courts such criminal jurisdiction as may be deemed proper by such Legislature, and that the people of the various counties of this State, shall, on the First Tuesday in November, A. D., 1886, and every two years thereafter, elect the following officers, to-wit: a Sheriff, a County Clerk, a Tax Assessor, a Tax Collector, a Treasurer, a Superintendent of Education; three County Commissioners and a Justice of the Peace for each Election District, the duties of said officers shall be provided by law, and said officers shall hold their office until their successors are elected and qualified; and at the same time there shall be elected in each Judicial Circuit, a District Attorney, whose duties shall be provided by law, who shall hold his office for four years, and until his successor is elected and qualified.

Mr. Wilson, of Polk and Manatee, offered the following resolution:

*Resolved*, That in the organization of the Legislative Department the committee on that department inquire into the expediency—

First, of limiting the powers of legislation to acts of a general nature, or such as concern the public interest generally or locally.

Second, of prohibiting private legislation for individual, company or corporate benefit, except at the expense of the applicants.

Third, of prohibiting the passing of special acts for the relief of negligent, careless and defaulting public officers, except at their own expense.

Fourth, of limiting the powers of legislation when convened on extraordinary occasion to those causes only communicated by the Executive.

Fifth, the prohibition to the Legislature of all power of appointment except of the United States Senators and its own officers.

Mr. Randall, of Duval, offered the following resolution:

*Resolved*, That the Constitution to be formed by this Convention shall be submitted to a vote of the registered voters of this State and adopted by a majority of votes cast before the same shall be in force.



Mr. Bethel, of Committee on Rules, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., June 13, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your committee to whom was assigned the duty of preparing rules for the guidance of this Convention, beg leave to submit the following rules, and would recommend the adoption of the same.

Very respectfully,  
L. W. BETHEL.

#### RULE 1.

The President shall take the chair every day at the hour to which the House shall have adjourned on the preceding day, and shall immediately call the Convention to order. The roll shall then be called, and on the appearance of a quorum the Journal of the preceding day shall be read.

#### RULE 2.

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House, on which appeal no member shall speak more than once, unless by leave of the House.

#### RULE 3.

He shall rise to put the question, but may state it sitting.

#### RULE 4.

No member shall speak to another, or otherwise interrupt the business of the Convention, or read any newspaper, while the Journals or public papers are reading, or when any member is speaking in debate.

#### RULE 5.

Every member, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down.

#### RULE 6

No member shall speak more than twice in any one debate, on the same day, without leave of the House.

#### RULE 7.

When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

## RULE 8.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President without debate, subject to an appeal to the House, and every member shall confine himself strictly to the point in debate, avoiding all personal, indecorous or disrespectful language.

## RULE 9.

If a member be called to order for words spoken, the exceptional words shall immediately be taken down in writing by the President.

## RULE 10.

No motion shall be debated until the same shall be seconded and stated by the Chair.

## RULE 11.

When a motion shall be made and seconded, it shall be reduced to writing if desired by the President.

## RULE 12.

When a question is under debate the President shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit, to amend or to postpone indefinitely, which several motions shall have precedence in the order in which they stand arranged, and a motion to adjourn and to lay on the table shall be decided without debate. If an amendment to any subject under consideration be laid on the table or postponed, such action shall not carry the subject matter with it.

## RULE 13.

When a motion or proposition is under consideration, a motion to amend, and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

## RULE 14.

A question containing two or more propositions capable of division shall be divided whenever desired by any member. A

motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

#### RULE 15.

In filling up blanks the largest sum and longest time shall be first put.

#### RULE 16.

When the reading of a paper is called for and the same is objected to by any member, it shall be determined by vote of the House and without debate.

#### RULE 17.

On all questions and motions whatsoever the President shall take the sense of the House by yeas and nays, provided ten of the members present shall so require. When the yeas and nays are taken, the roll of the House shall be called in alphabetical order, and no member shall be allowed to vote who shall not be upon the floor of the House at the time his name is called, or before the roll call is finished.

#### RULE 18.

The following order shall be observed in taking up the business of the Convention:

1. Reading of the Journal and the correction of the same.
2. Introduction of memorials, petitions or other papers addressed to the Convention or its President.
3. Introduction of resolutions.
4. Articles and ordinances.
5. Reports of Standing Committees in the order of their numbers.
6. Reports of Select Committees.
7. Unfinished business.
8. Special orders.

#### RULE 19.

When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the prevailing side to move for the reconsideration thereof, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or the next day of the actual session of the Convention, provided the rule shall not apply to the action upon reports of Standing Committee No. 16.

## RULE 20.

On a question when the yeas and nays are called for, in the event of a tie, the question shall be decided in the negative.

## RULE 21.

All questions shall be put by the President, and the members shall signify their assent or dissent by answering *viva voce* aye or no.

## RULE 22.

The President of the Convention or President *pro tem.* shall have the right to name a member to perform the duties of the Chair, but such substitute shall not extend beyond an adjournment.

## RULE 23.

Before any petition, memorial or resolution addressed to the Convention shall be received and read at the table, whether the same be introduced by the President or a member, a brief statement of the subject of the petition or memorial shall verbally be made by the introducer.

## RULE 24.

Every section of the Constitution shall receive three readings previous to its being adopted ; the President shall give notice at each whether it be the first, second or third, which readings shall be on three different days, unless two-thirds of the House declare otherwise.

## RULE 25.

The Standing Committees of this Convention shall be as follows, and shall consist of nine members each, unless otherwise specified :

1. A Committee on Preamble and Bill of Rights.
2. A Committee on the Legislative Department—of eleven members.
3. A Committee on the Executive and Administrative Department.
4. A Committee on the Judicial Department—thirteen members.
5. A Committee on Census, Apportionment and Boundaries—thirteen members.
6. A Committee on Suffrage and Eligibility—eleven members.

7. A Committee on Education.
8. A Committee on Homestead and Exemption and Property of Married Women.
9. A Committee on Public Institutions.
10. A Committee on Taxation and Finance—eleven members.
11. A Committee on Private Corporations.
12. A Committee on Militia.
13. A Committee on the Amendments to the Constitution.
14. A Committee on County, Township and City Organizations.
15. A Committee on Miscellaneous Provisions.
16. A Committee on Style and Arrangement of the Constitution—eleven members.
17. A Committee on Schedule.
18. A Committee on Temperance—seven members.
19. A Committee on Engrossment and Enrollment—five members.
20. A Committee on Expenditures—five members.
21. A Committee on Printing—five members.
22. A Committee to Revise and Supervise the Recording of the Journal—five members.

#### RULE 26.

The proceedings of the Convention shall be entered on the Journals concisely, under the supervision of the President.

#### RULE 27.

All resolutions presented to this House shall lie on the table one day before any vote shall be taken on the adoption of the same, unless by unanimous consent of the House, this rule be waived, and shall be entered on the Journal only by their title.

#### RULE 28.

All articles, sections, ordinances and resolutions pertaining to the Constitution shall be referred to the appropriate committees without debate.

#### RULE 29.

A majority of this Convention shall constitute a quorum to do business, but a smaller number may adjourn from day to day and order such action as will compel the attendance of absent members.

#### RULE 30.

No member shall absent himself from the Convention without leave.



## RULE 31.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House.

## RULE 32.

Any of these rules may be altered, suspended or rescinded by a two-thirds vote of the House.

Mr. Mann moved that the report be received;

Which was agreed to.

Mr. Mann moved that further consideration of the report be laid over until Tuesday.

Mr. Swearingen moved that the motion to postpone be laid upon the table;

Which was agreed to.

The Convention then proceeded to act upon the rules in their regular order.

Rule No. 1 was read.

On motion of Mr. Baker Rule No. 1 was adopted.

Rule No. 2 was read.

On motion of Mr. Walter Rule No. 2 was adopted.

Rule No. 3 was read.

On motion of Mr. Walter Rule No. 3 was adopted.

Rule No. 4 was read.

Mr. Randall, of Duval, offered the following amendment:

Strike out the words "to another," and insert the words "except to make a motion;" also, strike out the word "reading" and insert "being read;"

Which was not agreed to.

Rule No. 4 was then adopted.

Rule No. 5 was read.

On motion of Mr. McCaskill Rule No. 5 was adopted.

Rule No. 6 was read.

Mr. Sheats moved to amend as follows:

No member shall speak more than twice, nor longer than ten minutes at a time in any one debate on the same question, without leave of the House.

Mr. Mann moved to lay the amendment on the table;

Which was agreed to.

Mr. Maxwell offered the following:

Amend by striking out the word "day" and insert the word "question;"

Which was adopted.

Rule No. 6 was adopted as amended.

Rule No. 7 was read.

On motion of Mr. Baker Rule No. 7 was adopted.

Rule No. 8 was read.

On motion of Mr. Walter Rule No. 8 was adopted.

Rule No. 9 was read.

On motion of Mr. Walter Rule No. 9 was adopted.

Rule No. 10 was read.

Upon motion of Mr. Tolbert Rule No. 10 was adopted.

Rule No. 11 was read.

Upon motion of Mr. Rogers Rule No. 11 was adopted.

Rule No. 12 was read.

Mr. Cook moved its adoption.

Mr. Baker moved to strike out the words "previous question."

Mr. Speer moved to lay the motion to strike out on the table;

Which was agreed to.

Rule No. 12 was then adopted.

Rule No. 13 was then read.

Mr. Chandler moved its adoption.

Rule No. 13 was adopted.

Rule No. 14 was then read.

Upon motion of Mr. Challen Rule No. 14 was adopted.

Rule No. 15 was read.

Upon motion of Mr. Speer Rule No. 15 was adopted.

Rule No. 16 was read.

Mr. Rogers moved its adoption.

Mr. Baker moved to strike out the words "and without debate."

The amendment was adopted.

Rule No. 16 was adopted as amended.

Rule No. 17 was read.

Mr. Challen moved to strike out "ten" and insert "two."

Mr. Bethel moved to lay the motion to strike out upon the table;

Which was agreed to.

Mr. Walker, Jr., moved to amend as follows:

Amend by inserting after the word "whatever," in the first line, the following: "Except such as shall involve the adoption of a part of the Constitution to be drafted by this Convention."

Also as follows:

Add to Rule 17: "That when the question is upon the adoption of a proposed part of the Constitution to be drafted

by this Convention, it shall be decided by roll call, and it shall require a majority of all the delegates elected to this Convention to adopt any part of said Constitution."

Mr. Bethel moved to lay the motions to amend on the table.

Messrs. Walker, Jr., and Conover called for the yeas and nays.

The vote was :

Yeas—Messrs. Bethel, Blackburn, Blount, Broome, Campbell, Clarke of Jefferson, Clark of Jackson, Cook, Davidson, Davis, Earle, Edge, Fogarty, Genovar, Gillis, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Love, Malone, Mann, Maxwell, Milton, Monsalvatge, Morgan, McCaskill, McClellan, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randall of Madison, Randolph, Richard, Robertson, Rogers, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Wall, Weeks, Wellman, Whitmire, Wilson and Yonge,—62.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bush, Carter, Carson, Challen, Chandler, Conover, Duncan, Fowler, Gibbs, Goodbread, Goss, Green, Hargret, Hicks, Luttelloh, Marshall, Mitchell, McKinnon, Neel, Odom, Parker, Petty, Randall of Duval, Rowe, Sanchez, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee, Wylly and Zipperer—37.

So the motion to lay upon the table prevailed.

Mr. Mann moved to strike out "10" and insert "5 ;"

Which was agreed to.

Mr. Hocker offered the following amendment :

Strike out the word "whatsoever" in first line of Rule 17, and insert in lieu thereof the words "except such as are embraced in Rule 24 ;"

Which was agreed to.

Rule No. 17 as amended was adopted.

Rule No. 18 was read.

Mr. Baker moved to amend as follows :

Insert after the third order of business "consideration of resolutions, petitions, memorials and other papers ;"

Which was adopted.

Rule No. 18, as amended, was adopted.

The following delegates were excused from further attendance until Monday :

Messrs. Parkhill, Turnbull, Jones, Clarke of Jefferson, Coker, Zipperer, Lewis, Greeley and Miller.

Rule No. 19 was read.

Mr. Taylor offered the following amendment :

Strike out all of the proviso and substitute the following :

"*Provided*, this rule shall not apply to the action upon the reports of any of the standing committees from 1 to 18, both inclusive."

Mr. Gibbs offered the following amendment :

And said motion shall not be acted upon till the following day of actual session, and shall be placed first in the "unfinished business."

The question was upon the adoption of the amendment of Mr. Gibbs ;

Which was not agreed to.

The question was then upon the amendment offered by Mr. Taylor ;

Which was adopted.

Rule No. 19, as amended, was then adopted.

Rule No. 20 was then read and adopted.

Rule No. 21 was read and adopted.

Rule No. 22 was read and adopted.

Rule No. 23 was read.

Mr. Randall moved to amend by striking out the word "contents" and inserting "subject ;"

Which was agreed to, and the Rule, as amended, was adopted.

Rule No. 24 was read.

Mr. Yonge offered the following amendment :

"And when any section, ordinance or resolution of the Constitution shall have been read the third time, the same shall be put to a vote upon the question of its final adoption, which vote shall in all cases be taken by yeas and nays by calling the roll, and said vote shall be spread upon the Journal ; and it shall require a majority vote of all members elected to this Convention to adopt any section, article or ordinance of the Constitution."

Mr. Mann moved to amend the amendment by inserting the word "final" before the word "reading."

Which was accepted and the amendment and Rule, as amended, were adopted.

Rule No. 25 was read.

Rule No. 25 was adopted.

Rule No. 26 was read.

Upon motion, Rule No. 26 was adopted.

Rule No. 27 was read.

Upon motion, Rule 27 was adopted.

Rule No. 28 was read.

Upon motion, Rule 28 was adopted.

Rule No. 29 was read.

Upon motion, Rule No. 29 was adopted.

Rule No. 30 was read.

Upon motion, Rule No. 30 was adopted.

Rule No. 31 was read.

Upon motion, Rule No. 31 was adopted.

Mr. Yonge moved that the vote by which Rule 18 was adopted be reconsidered ;

Which was agreed to.

Mr. Yonge offered the following amendment to Rule 18 :

That Rule 18 be amended by inserting after " reports of select committees " the following :

7. Consideration of sections, articles and ordinances on their first reading.

8. Consideration of sections, articles and ordinances on their second reading.

9. Consideration of sections, articles and ordinances on their third reading.

10. Unfinished business.

11. Special order ;

Which was agreed to.

Mr. Randall offered the following as Rule 32 ;

32. If any person shall commit any contempt of this Convention, or breach of privilege, he shall be punished therefor as the House may direct, and the President shall have power to order the Sergeant-at-Arms to take into custody, and bring before the Bar of the House, any person guilty of such contempt or breach of privilege ;

Which was adopted.

Mr. Conover moved that regular hours of meeting be 10 o'clock A. M., unless otherwise ordered ;

Which was adopted as Rule No. 33.

Rule No. 34 was read.

Upon motion of Mr. Speer, Rule No. 34 was adopted.

Mr. Walter moved that the rules, as amended, be adopted as a whole ;

Which was agreed to.

Mr. Bethel moved that 200 copies of the Rules be printed for the use of the members.

Mr. Baker moved to amend by making it 500 ;

Which was lost.

Mr. Mann moved to amend by making it 400 ;

Which was agreed to.

The resolution, as amended, was then adopted.

On motion of Mr. Mitchell, the Convention adjourned until 10 o'clock A. M. Monday next.



## STANDING RULES OF THE CONVENTION.

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RULE 1.

The President shall take the chair every day at the hour to which the House shall have adjourned on the preceding day, and shall immediately call the Convention to order. The roll shall then be called, and on the appearance of a quorum the Journal of the preceding day shall be read.

## RULE 2.

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House, on which appeal no member shall speak more than once, unless by leave of the House.

## RULE 3.

He shall rise to put the question, but may state it sitting.

## RULE 4.

No member shall speak to another, or otherwise interrupt the business of the Convention, or read any newspaper, while the Journals or public papers are reading, or when any member is speaking in debate.

## RULE 5.

Every member, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down.

## RULE 6.

No member shall speak more than twice in any one debate, on the same question, without the leave of the House.

## RULE 7.

When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

## RULE 8.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President without debate, subject to an appeal to the

House, and every member shall confine himself strictly to the point in debate, avoiding all personal, indecorous or disrespectful language.

#### RULE 9.

If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing by the President.

#### RULE 10.

No motion shall be debated until the same shall be seconded and stated by the Chair.

#### RULE 11.

When a motion shall be made and seconded, it shall be reduced to writing if desired by the President.

#### RULE 12.

When a question is under debate the President shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit, to amend or to postpone indefinitely, which several motions shall have precedence in the order in which they stand arranged, and a motion to adjourn and to lay on the table shall be decided without debate. If an amendment to any subject under consideration be laid on the table or postponed, such action shall not carry the subject matter with it.

#### RULE 13.

When a motion or proposition is under consideration, a motion to amend, and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

#### RULE 14.

A question containing two or more propositions capable of division shall be divided whenever desired by any member. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

#### RULE 15.

In filling up blanks the largest sum and longest time shall be first put.

## RULE 16.

When the reading of a paper is called for and the same is objected to by any member, it shall be determined by vote of the House.

## RULE 17.

On all questions and motions, (except such as are embraced in Rule 24,) the President shall take the sense of the House by yeas and nays, provided five of the members present shall so require. When the yeas and nays are taken, the roll of the House shall be called in alphabetical order, and no member shall be allowed to vote who shall not be upon the floor of the House at the time his name is called, or before the roll call is finished.

## RULE 18.

The following order shall be observed in taking up the business of the Convention :

1. Reading of the Journal and the correction of the same.
2. Introduction of memorials, petitions or other papers addressed to the Convention or its President.
3. Introduction of resolutions.
4. Consideration of resolutions, petitions, memorials and other papers.
5. Articles and Ordinances.
6. Reports of standing committees in the order of their numbers.
7. Reports of select committees.
8. Consideration of sections, articles and ordinances on their first reading.
9. Consideration of sections, articles and ordinances on their second reading.
10. Consideration of sections, articles and ordinances on their third reading.
11. Unfinished business.
12. Special orders.

## RULE 19.

When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the prevailing side to move for the reconsideration thereof, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or the next day of the actual session of the Convention ; *Provided*, This rule shall not apply to the action upon the reports of any of the standing committees from 1 to 18, both inclusive.

## RULE 20.

On a question when the yeas and nays are called for, in the event of a tie, the question shall be decided in the negative.

## RULE 21.

All questions shall be put by the President, and the members shall signify their assent or dissent by answering *viva voce* aye or no.

## RULE 22.

The President of the Convention or President *pro tem.* shall have the right to name a member to perform the duties of the Chair, but such substitute shall not extend beyond an adjournment.

## RULE 23.

Before any petition, memorial or resolution addressed to the Convention shall be received and read at the table, whether the same be introduced by the President or a member, a brief statement of the subject of the petition or memorial shall verbally be made by the introducer.

## RULE 24.

Every section of the Constitution shall receive three readings previous to its being adopted; the President shall give notice at each whether it be the first, second or third, which readings shall be on three different days, unless two-thirds of the House declare otherwise; and when any Section, Ordinance or Resolution of the Constitution shall have been read the third time, the same shall be put to a vote upon the question of its final adoption, which vote shall in all cases be taken by ayes and noes, by calling the roll, and said vote shall be spread upon the Journal, and it shall require a majority vote of all the members elected to this Convention to adopt any Section, Article or Ordinance of the Constitution.

## RULE 25.

The Standing Committees of this Convention shall be as follows, and shall consist of nine members each, unless otherwise specified:

1. A Committee on Preamble and Bill of Rights.
2. A Committee on the Legislative Department—of eleven members.

3. A Committee on the Executive and Administrative Department.

4. A Committee on the Judicial Department—thirteen members.

5. A Committee on Census, Apportionment and Boundaries—thirteen members.

6. A Committee on Suffrage and Eligibility—eleven members.

7. A Committee on Education.

8. A Committee on Homestead and Exemption and Property of Married Women.

9. A Committee on Public Institutions.

10. A Committee on Taxation and Finance—eleven members.

11. A Committee on Private Corporations.

12. A Committee on Militia.

13. A Committee on the Amendments to the Constitution.

14. A Committee on County, Township and City Organizations.

15. A Committee on Miscellaneous Provisions.

16. A Committee on Style and Arrangement of the Constitution—eleven members.

17. A Committee on Schedule.

18. A Committee on Temperance—seven members.

19. A Committee on Engrossment and Enrollment—five members.

20. A Committee on Expenditures—five members.

21. A Committee on Printing—five members.

22. A Committee to Revise and Supervise the Recording of the Journal—five members.

#### RULE 26.

The proceedings of the Convention shall be entered on the Journals concisely, under the supervision of the President.

#### RULE 27.

All resolutions presented to this House shall lie on the table one day before any vote shall be taken on the adoption of the same, unless by unanimous consent of the House this rule be waived, and shall be entered on the Journal only by their title.



## RULE 28.

All articles, sections, ordinances and resolutions pertaining to the Constitution shall be referred to the appropriate committees without debate.

## RULE 29.

A majority of this Convention shall constitute a quorum to do business, but a smaller number may adjourn from day to day and order such action as will compel the attendance of absent members.

## RULE 30.

No member shall absent himself from the Convention without leave.

## RULE 31.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House.

## RULE 32.

If any person shall commit any contempt of this Convention, or breach of privilege, he shall be punished therefor as the House may direct; and the President shall have power to order the Sergeant-at-Arms to take into custody and bring before the bar of the House any person guilty of such contempt or breach of privilege.

## RULE 33.

The regular hour for the Convention to meet shall be 10 o'clock A. M., unless otherwise ordered.

## RULE 34.

Any of these rules may be altered, suspended or rescinded by a two-thirds vote of the House.

## SIXTH DAY.

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MONDAY, JUNE 15, 1885.

The Convention met pursuant to adjournment.

The roll being called the following members answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Landrum, Lesley, Lutterloh, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—99.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Randall, of Madison, offered a resolution relative to elections.

Mr. Hendley offered a resolution relative to elections and terms of officers.

Also, a resolution relative to apportionment.

Mr. Fowler offered a resolution relative to appeals.

Also, a resolution relative to suffrage.

Also, a resolution relative to Internal Improvement Board.

Mr. Rogers offered a resolution to regulate railroad tariffs.

Mr. Morgan offered a resolution relative to electors and franchise.

Mr. Stone offered a resolution relative to cost in criminal cases.

Also, a resolution relative to elections.

Also, a resolution relative to Board of Education.

Mr. Tolbert offered a resolution relative to the election of officers.

Mr. Walker, Jr., offered a resolution relative to the election of officers.

Mr. Rogers offered a resolution relative to poll tax.

Mr. Parker offered a resolution declaring that the Constitution shall place no restriction or limitation on the power of the Legislature to organize new counties.

Mr. Randolph offered the following resolution :

*Resolved*, That we proceed to the election of a Vice President or President *pro tem.* for this Convention.

Mr. Mann offered the following resolution :

*Whereas* ; In the organization of Conventions of the character and purpose of this body, it has been usual to elect one or more Vice-Presidents, (or Presidents *pro tem.*) to take the Chair when the President may desire to become an active member, engaging in the debates of the body, or from sickness or other cause may be unable to serve ; I therefore move that we proceed to complete our organization by the election of two (2) Vice-Presidents, and nominate for these positions Hon. J. E. Yonge, of Escambia, and Hon. John T. Lesley, of Hillsborough.

Mr. Chandler moved that the rule be waived and that the Convention proceed to the election of two Vice-Presidents, in accordance with the resolution just read ;

Which was agreed to.

Mr. Fowler moved to elect by acclamation ; which was agreed to, and Mr. Yonge and Mr. Lesley were declared unanimously elected to the positions of First and Second Vice-Presidents of this Convention, in the order as named.

Mr. Johnston offered a resolution to regulate charges by railroad, telegraph and express companies.

Mr. Orman offered a resolution relative to apportionment and representation.

Mr. Carter offered a resolution relative to the judicial system.

Mr. Paterson moved that inasmuch as Mr. George Dice, one of the messengers of this body, was temporarily excused on last Saturday on account of sickness in his family, and has not yet returned, that the sergeant-at-arms be required to secure the assistance of a messenger until Mr. Dice returns.

Mr. McKinnon moved to lay the motion on the table ;

Which was agreed to.

The President announced the following standing committees :

1. *On Preamble and Bill of Rights.*

MR. MILTON, Chairman.

Messrs. PATERSON,	HENDLEY,
HUMPHRIES,	BELL, of Brevard,
BLACKBURN,	MILLER,
CAMPBELL,	CARR.

2. *Legislative Department.*

MR. BETHEL, Chairman.

Messrs. OLIVEROS,	HOPE,
TAYLOR,	GREEN,
SWEARINGEN,	HENDERSON,
McKINNON,	CONOVER,
DUNCAN,	THOMPSON.

3. *Executive and Administrative Department.*

MR. MAXWELL, Chairman.

Messrs. MARSHALL,	COOK,
YONGE,	PARKER,
BENNETT,	ROWE,
FOGARTY,	MITCHELL.

4. *Judicial Department.*

MR. SANCHEZ, Chairman.

Messrs. MILTON,	WALKER, JR.,
BLOUNT,	WESTCOTT,
MALONE,	GILLIS,
WILSON, of Polk and	CLARKE, of Jefferson,
Manatee,	
CARTER,	RANDALL, of Duval,
MANN,	MILLER.

5. *Census, Apportionment and Boundaries.*

Mr. McCLELLAN, Chairman.

Messrs. LOVE,	SPEER,
LESLEY,	CLARKE of Jefferson,
HOCKER,	COKER,
TEDDER,	WHITMIRE,
JOHNSTON,	CHANDLER,
WELLMAN,	BAKER.

6. *Suffrage and Eligibility.*

Mr. MANN, Chairman.

Messrs.	PELOT,	GOODBREAD,
	ORMAN,	TURNBULL,
	MONSALVATGE,	ODOM,
	WALKER, JR.,	GOSS,
	TOLBERT,	GIBBS.

7. *Education.*

Mr. WALL, Chairman.

Messrs.	SHEATS,	CARTER,
	LANDRUM,	SCOTT,
	IVES,	LEWIS,
	PATERSON,	CHANDLER.

8. *Homestead and Exemptions and Married Woman's Property.*

Mr. ORMAN, Chairman.

Messrs.	BROOME,	PARKHILL,
	MALONE,	BUSH,
	LANDRUM,	RANDALL, of Duval,
	RICHARD,	MITCHELL.

9. *Public Institutions.*

Mr. HOCKER, Chairman.

Messrs.	LUTTERLOH,	MORGAN,
	RANDOLPH,	CLARK, of Jackson,
	BELL, of Hamilton,	PETTY,
	CAMPBELL,	CONOVER.

10. *Taxation and Finance.*

Mr. McCASKILL, Chairman.

Messrs.	BETHEL,	EARLE,
	BLOUNT,	GENOVAR,
	JONES,	RANDOLPH,
	PARSONS,	GREELEY,
	WEEKS,	FOWLER.

11. *Private Corporations.*

Mr. LESLEY, Chairman.

Messrs.	EARLE,	EDGE,
	WYLLY,	HAUSMAN,
	HUNTER,	CHALLEN,
	McCLELLAN,	HARGRET.



12. *Militia.*

Mr. SWEARINGEN, Chairman.

Messrs.	PARKHILL,	COKER,
	FOGARTY,	IVES,
	WEEKS,	FOWLER,
	RANDALL, of Madison,	TOMPKINS.

13. *Amendments to Constitution.*

Mr. WESTCOTT, Chairman.

Messrs.	McKINNON,	DAVIS,
	DAVIDSON,	WADSWORTH,
	WILSON, of Clay,	TOMPKINS,
	HICKS,	BAKER.

14. *County, Township and City Organization.*

Mr. YONGE, Chairman.

Messrs.	MONSALVATGE,	HAUSMAN,
	SHEATS,	HICKS,
	GENOVAR,	WALTER,
	LUTTERLOH,	CARR.

15. *Miscellaneous Provisions.*

Mr. LOVE, Chairman.

Messrs.	McCASKILL,	HERNDON,
	WILSON of Polk,	STONE,
	WELLMAN,	PETTY,
	CARSON,	CHALLEN.

16. *Style and Arrangement of Constitution.*

Mr. TAYLOR, Chairman.

Messrs.	MAXWELL,	HUMPHRIES,
	DAVIDSON,	TOLBERT,
	JONES,	WYLLY,
	DAVIS,	WALTER,
	HENDLEY,	ROWE.

17. *Schedule.*

Mr. PELOT, Chairman.

Messrs.	BENNETT,	WHITMIRE,
	ROGERS,	ROBERTSON,
	HATCH,	GOSS,
	NEEL,	ZIPPERER.

18. *Temperance.*

Mr. SPEER, Chairman.

Messrs. MARSHALL,	BUSH,
ROGERS,	GREELEY,
HUNTER,	HARGRET.

19. *Enrollment and Engrossment.*

Mr. OLIVEROS, Chairman.

Messrs. HOPE,	DUNCAN,
RANDALL, of Madison,	THOMPSON.

20. *Expenditures.*

Mr. BROOME, Chairman.

Messrs. GREEN,	COOK,
MORGAN,	ZIPPERER.

21. *Printing.*

Mr. TURNBULL, Chairman.

Messrs. JOHNSTON,	BLACKBURN,
WALL,	GIBBS.

22. *Revise and Supervise Recording of Journal.*

Mr. GILLIS, Chairman.

Messrs. NEEL,	ODOM,
SCOTT,	LEWIS.

Which were read.

Mr. Oliveros moved that 200 copies of the committees just read be printed for the use of the Convention.

Mr. Taylor moved to increase the number to 300 ;

Which was accepted, and the motion agreed to.

Mr. Conover was excused on account of sickness.

Mr. Yonge moved that all resolutions on the Clerk's desk be read by their titles and referred to appropriate committees ;

Which was agreed to, and the following resolutions were read by their titles and referred, as follows :

By Mr. Bennett, Resolution No. 1 : Relative to the Liquor Traffic.

Referred to the Committee on Temperance.

By Mr. Campbell, Resolution No. 2 : Relative to the election of officers.

Referred to the Committee on Judiciary.

By Mr. Wilson of Polk, Resolution No. 3 : On limiting Legislation.

Referred to the Committee on Legislative Department.

By Mr. Randall of Madison, Resolution No. 4: In reference to elections.

Referred to Committee on Judiciary.

By Mr. Hendley, Resolution No. 5: Relating to elections and terms of officers.

Referred to Committee on Constitutional Amendments.

By Mr. Hendley, Resolution No. 6: Relative to apportionment.

Referred to Committee on Census, Apportionment and Boundaries.

By Mr. Fowler, Resolution No. 7: Relative to appeals.

Referred to Committee on Judiciary.

By Mr. Fowler, Resolution No. 8: Relative to suffrage.

Referred to the Committee on Suffrage and Eligibility.

By Mr. Fowler, Resolution No. 9: In relation to Board of Internal Improvement.

Referred to the Legislative Committee.

By Mr. Rogers, Resolution No. 10: To regulate railroad tariffs.

Referred to the Judiciary Committee.

By Mr. Morgan, Resolution No. 11: Relative to electors and franchise.

Referred to Committee on Suffrage and Eligibility.

By Mr. Stone, Resolution No. 12: Relative to costs in criminal cases.

Referred to Committee on Taxation and Finance.

By Mr. Stone, Resolution No. 13: In relation to electors.

Referred to Committee on Suffrage and Eligibility.

By Mr. Stone, Resolution No. 14: Relative to Boards of Education.

Referred to Committee on Judiciary.

By Mr. Tolbert, Resolution No. 15: Relative to the election of officers.

Referred to Committee on Suffrage and Eligibility.

By Mr. Walker, Jr., Resolution No. 16: Relative to election of officers.

Referred to Committee on Judiciary.

By Mr. Rogers, Resolution No. 17: Relative to poll tax.

Referred to the Committee on Finance and Taxation.

By Mr. Parker, Resolution No. 18: Declaring that the Constitution shall place no restrictions or limitations on the power of the Legislature to organize new counties.

Referred to the Legislative Committee.

By Mr. Johnston, Resolution No. 19: To regulate the charges by railroad, telegraph and express companies.

Referred to the Committee on Private Corporations.

By Mr. Orman, Resolution No. 20: Relative to apportionment and representation.

Referred to Committee on Legislative Department.

By Mr. Carter, Resolution No. 21: Relative to the judicial system.

Referred to Committee on Judiciary.

By Mr. Randall of Duval, Resolution No. 22: Relative to submitting the Constitution to a vote of the people.

Referred to Committee on Schedule.

Mr. Randall, of Duval, called up the following resolution offered by him on Saturday:

"*Resolved*, That the Constitution to be formed by this Convention shall be submitted to a vote of the registered voters of this State and adopted by a majority of votes cast before the same shall be in force," and moved its adoption.

Mr. Chandler moved to amend as follows:

Before the word "that," add "that it is the sense of this Convention;"

Which was accepted.

Mr. Baker moved to suspend the rules and take up the resolution.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Hamilton, Bethel, Bush, Campbell, Carr, Challen, Chandler, Edge, Fogarty, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Lesley, Maxwell, Mitchell, Monsalvatge, McCaskill, McClellan, McKinnon, Neel, Pelot, Petty, Randall of Duval, Randolph, Rogers, Sanchez, Sheats, Thompson, Tolbert, Tompkins, Walker, Jr., Wall, Walter, Whitmire, Yonge and Zipperer—41.

Nays—Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Cook, Davidson, Davis, Duncan, Earle, Genovar, Gillis, Hatch, Hausman, Hendley, Henderson, Hernon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Landrum, Lutterloh, Marshall, Milton, Morgan, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Randall of Madison, Richard, Robertson, Rowe, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Wadsworth, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, and Wyly—57.

So the motion to suspend the rules was lost, and the resolution was referred to the Committee on Schedule.

Mr. Randall, of Duval, moved that the committee be instructed to report on the resolution to-morrow;

Which was agreed to.

Mr. Speer asked to have all papers in his hands relating to temperance referred to the Standing Committee on Temperance ;

Which was agreed to.

Mr. Maxwell asked an indefinite leave of absence for Mr. Greeley on account of the sickness of Mrs. Greeley ;

Which was granted.

Mr. McCaskill moved that the Convention do now adjourn to give the committees time to work ;

Which was agreed to, and the Convention was adjourned until 10 o'clock A. M. to-morrow.

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## SEVENTH DAY.

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TUESDAY, JUNE 16, 1885.

The Convention met pursuant to adjournment.

The roll was called and the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—106.

A quorum present.

Prayer by the Chaplain.



Mr. Challen moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was corrected and approved.

Mr. Carson was excused on account of sickness.

Mr. Bell, of Hamilton, was indefinitely excused on account of sickness.

Mr. Bell, of Brevard, was excused on account of sickness.

It was moved and carried that all memorials and petitions be read only by their title and referred to the appropriate committees.

Mr. Hocker introduced several petitions on the subject of temperance from the citizens of Sumter county;

Which were read and referred to the Committee on Temperance.

Mr. Randall introduced a communication addressed to the Convention in regard to the exorbitant rates charged by corporations;

Which was read and referred to Committee on Private Corporations.

The following resolutions were introduced:

By Mr. Hendley, Resolution No. 23: Relating to jurisdiction of courts;

Which was referred to Committee on Judiciary Department.

By Mr. Clark, of Jackson, Resolution No. 24: On Special Taxation;

Which was referred to Committee on Finance and Taxation.

By Mr. Morgan, Resolution No. 25: Relative to Homesteads;

Which was referred to Committee on Homesteads.

By Mr. Jones, Resolution No. 26: Relative to exemptions;

Which was referred to Committee on Homesteads.

By Mr. Davis, Resolution No. 27: Relative to grand jurors;

Which was referred to the Committee on Judiciary Department.

By Mr. McKinnon, Resolution No. 28: Relative to blanks for committees.

By Mr. Mann, Resolution No. 29: Relative to printing resolutions;

Which was laid over under the rules.

By Mr. Gillis, Resolution No. 30: Relative to blank reports;

Which was laid over under the rules.

By Mr. Gillis, Resolution No. 31: Mode of amending the Constitution;

Which was referred to Committee on Constitutional Amendments.

By Mr. Speer, Resolution No. 32: Prohibiting transportation companies in Florida from issuing free passes to all office-holders ;

Which was read and referred to Committee on Miscellaneous Provisions.

By Mr. Marshall, Resolution No. 33: Relative to duties of standing committees ;

Which was read.

By Mr. Wylly, Resolution No. 34: For the appointment of a special committee on Public Health ;

Which was read.

By Mr. Miller, Resolution No. 35: Relative to the introduction of resolutions ;

Which was laid over under the rules.

By Mr. Hunter, Resolution No. 36: To regulate the liquor traffic ;

Which was read and referred to Committee on Temperance.

By Mr. Rogers, Resolution No. 37: To make rolling stock of railroads personal property ;

Which was read and referred to Committee on Finance and Taxation.

By Mr. Rogers, Resolution No. 38: Relative to selection of jurors ;

Which was read and referred to Committee on Judicial Department.

By Mr. Rogers, Resolution No. 39: Relative to divorce ;

Which was read and referred to Committee on Judicial Department.

By Mr. Bush, Resolution No. 40: Relative to Agricultural College ;

Which was read and referred to Committee on Education.

By Mr. Blackburn, Resolution No. 41: Relating to temperance ;

Which was read and referred to Committee on Temperance

By Mr. Blackburn, Resolution No. 42: Relating to poll tax ;

Which was read and referred to Committee on Finance and Taxation.

By Mr. Bush, Resolution No. 43: On apportionment of representation ;

Which was read and referred to Committee on Census, Apportionment and Boundaries.

By Mr. Carter, Resolution No. 44: Relating to exemptions ;

Which was read and referred to Committee on Homesteads.

By Mr. Mann, Resolution No. 45: Relative to introduction of new matter;

Which was read by consent, and on motion of Mr. Challen, was laid on the table.

By Mr. Mann, Resolution No. 46: Relative to county divisions;

Which was read and referred to Committee on Township, County and City Organization.

By Mr. Mann, Resolution No. 47: Relative to bribery of officials;

Which was read and referred to Committee on Judicial Department.

By Mr. Mann, Resolution No. 48: Relative to condemnation of private property;

Which was read and referred to Committee on Judicial Department.

By Mr. Mann, Resolution No. 49: Relative to homestead exemptions;

Which was read and referred to Committee on Homestead.

By Mr. Walter, Resolution No. 50: Relative to homesteads;

Which was read and referred to Committee on Homestead.

By Mr. Miller, Resolution No. 51: Relative to the passage by the Legislature of private bills and bills changing boundary lines of counties;

Which was read and referred to Committee on Miscellaneous Provisions.

By Mr. Miller, Resolution No. 52: That women be allowed to vote on the election of school officers, on all questions relating to schools, and be eligible for election to any office pertaining to the management of schools;

Which was read and referred to Committee on Suffrage and Eligibility.

By Mr. Johnston, Resolution No. 53: To prescribe and define certain disqualifications for office under the Constitution and laws of this State;

Which was read and referred to Committee on Suffrage and Eligibility.

By Mr. Walker, Jr., Resolution No. 54: Requiring committees to report within seven days;

Which was read and laid over under the rule.

By Mr. Greeley, Resolution No. 55: To establish Municipal Court;

Which was read and referred to Committee on Judiciary Department.

By Mr. Conover, Resolution No. 56: Changing Rule No. 23 of this Convention;

Which was read and referred to Committee on Rules.

By Mr. Thompson, Resolution No. 57: Relative to duties of Standing Committees of this body ;

Which was read and laid over under the rule.

By Mr. Turnbull, Resolution No. 58: Relative to vote on the liquor question ;

Which was read and referred to Committee on Temperance.

By Mr. Ives, Resolution No. 59: To limit period of imprisonment for fines ;

Which was read and referred to Committee on Judiciary Department.

By Mr. Ives, Resolution No. 60: To abolish swearing to common law pleas ;

Which was referred to Committee on Judiciary Department.

By Mr. Ives, Resolution No. 61: Relative to printing proceedings of this Convention ;

Which was read and laid over under the rules.

By Mr. Ives, Resolution No. 62: Relating to appeals from trials in inferior courts ;

Which was referred to Committee on Judiciary Department.

By Mr. Landrum, Resolution No. 63: Relative to the tenure of office ;

Which was read and referred to the Committee on Judiciary Department.

By Mr. Parkhill, Resolution No. 64: Relative to election of officers ;

Which was read and referred to the Committee on Suffrage and Eligibility.

By permission Mr. Lesley offered the following :

The members of the Convention are most respectfully invited to visit, at any time, the museums and cabinets of the University in the building of the Medical Department. The janitor is present there all the time, and will ever be ready to admit all visitors.

J. Kost, Chancellor.

Which was read, and, upon motion, the invitation was accepted and the thanks of this body returned.

Mr. Mann moved as follows :

*Moved*, That Rule 27 be amended so as to read as follows :

After "shall," in first line, insert "be read by its title."

In last line strike out "entered" and insert "spread."

In same line strike out "only by their title."

Mr. Miller moved that the rules be waived and the motion of Mr. Mann be acted upon immediately.

The question was upon the suspension of the rule ;  
Which was not agreed to.

The following resolution, offered by Mr. McKinnon, was taken up :

*Resolved*, That the sergeant-at-arms be directed to have blank notices prepared for the use of the chairman of each of the standing committees, and that the chairman of said committees be required to give written notice to each of the members present, of their respective committees, of the time and place of the meeting of the committee ;

Which was read.

On motion of Mr. Green the rule was suspended and the resolution adopted.

The following resolution, offered by Mr. Marshall, was taken up :

*Resolved*. That the several standing committees of this Convention are instructed to examine, without unnecessary delay, all resolutions, ordinances, petitions, or other matters referred to them by this body, for the purpose of ascertaining whether any of the same, or any part thereof, cannot be properly considered and reported upon by them, and that they, as early as possible, report back to the Convention all matters improperly referred, with their recommendation as to the proper reference to be made ;

Which was read.

On motion, the rules were suspended and the resolution adopted.

The following resolution, offered by Mr. Wyly, was taken up :

*Whereas*, In the list of standing committees of this Convention there is none whose duty it is to take measures for the protection of residents of the State against the importation of disease from abroad, or the spreading of such diseases within the boundaries of the State ; therefore, be it

*Resolved*, That a special committee of seven be appointed by the President to take charge of all communications relating to the question of quarantine, or the qualifications necessary for the practice of medicine in the State, and everything relating to the public health, and report their deliberations and recommendations to this Convention ;

Which was read.

On motion the rule was suspended and the resolution adopted.

Mr. Blount introduced Ordinance No. 1 : Defining the dis-



tribution of judicial powers, and providing for the appointment of Judges ;

Which was read by its title and referred to the Judiciary Department Committee.

Mr. Blount introduced Ordinance No. 2 : Providing for the creation of criminal courts for the counties of Duval, Escambia and Monroe ;

Which was read by its title and referred to the Committee on Judiciary Department.

Mr. Yonge introduced Ordinance No. 3 : Section — of Article — No. —, embracing Executive and Administrative Department, relating to election of Governor ;

Which was read and referred to the Executive and Administrative Committee.

Mr. Baker was granted a leave of absence for two days after to-day.

Mr. Paterson was granted a leave of absence for two days after to-day.

Mr. Pelot, Chairman of Committee on Schedule, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 16, 1885.

HON. SAMUEL PASCO,

*President of the Constitutional Convention :*

SIR : Your Committee on Schedule would respectfully report that they have had under consideration the special matter referred, and while they do not admit its necessity at the present stage of our proceedings, or that there exists serious fears as to the future action of the Convention in this matter, yet that no foundation be given, from which improper inferences may be drawn, or the harmony of our actions be disturbed, your committee would report back the resolution as revised and recommend its adoption.

#### RESOLUTION AS REVISED.

*Resolved*, That it is the sense of this Convention that the Constitution to be formed by this Convention shall be submitted to a vote of the legally qualified electors of this State, and be adopted by a majority of the votes cast before the same shall be in force.

J. C. PELOT, Chairman.

Which was read.

Upon motion the report was received and adopted.

Mr. Bethel, Chairman of the Committee on Legislative Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 16, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Legislative Department, to whom was referred Resolution *in re* Board of Internal Improvement, also, Resolution relative to apportionment and representatives; also, Resolution declaring that the Convention shall place no restrictions or limitations on the power of the Legislature to organize new counties; beg leave to report, that they have considered the same, and finding that said resolutions do not in any manner refer to the Legislative Department, would recommend that the Resolution *in re* Board of Internal Improvement be referred to the Committee on Judicial Department; also, Resolution relative to apportionment and representatives; also, Resolution declaring that the Constitution shall place no restrictions or limitations on the power of the Legislature to organize new counties, be referred to the Committee on Census, Apportionment and Boundaries.

Very respectfully,

L. W. BETHEL,

Chairman Committee.

Which was read.

Upon motion of Mr. McKinnon the report was received and adopted, and the resolutions referred to were re-referred, as suggested in the report.

Mr. Gillis, Chairman of the Committee on Revising and Supervising the Recording of the Journal, made the following report:

CONVENTION HALL,  
TALLAHASSEE, FLA., June 16, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR:—The Committee on the Revising and Supervising the Recording of the Journal instruct me to report that they have examined and compared the Journal so far, up to the proceedings of the fourth day, and have made all needed and proper corrections, and that they find the said Journal neatly and correctly kept.

IRVING GILLIS, Chairman.

Which was read, and, upon motion, was adopted.

Mr. Randall offered the following :

*Resolved*, That every report of any standing committee embracing any article or section designed to be incorporated in

the Constitution, or any ordinance of the Convention, shall be printed by order of the committee if the committee so determine, or by the order of the Convention, before the same shall be read a second time for the action of the Convention ;

Which was read and laid over until to-morrow under the rule.

Mr. McClellan offered the following :

That the various standing committees have leave to have any printing done that may be approved of by the Committee on Printing ;

Which was adopted.

Mr. Sanchez, Chairman of the Committee on Judicial Department, asked permission to employ a Clerk for said committee ;

Which was granted.

On motion of Mr. Walter, the Convention adjourned until 10 o'clock, a. m., to-morrow.

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## EIGHTH DAY.

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WEDNESDAY, JUNE 17, 1885.

The Convention met pursuant to adjournment.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter,

Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyllly, Yonge and Zipperer—105.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Orman offered the following resolution :

*Resolved*, That the Chairmen of all the standing committees shall meet together in this chamber immediately after this morning's session, for the purpose of fixing the time and place of their respective committee meetings, so as to prevent the present conflict and confusion existing in the meetings of said committees ;

Which was read.

Mr. Orman moved that the rules be waived and the resolution be put upon its passage ;

Which was agreed to, and the resolution was adopted.

Mr. Blount offered the following resolution :

*Be it resolved*, That subdivision 3 of Rule 18 be amended so as to read as follows : Three—Introduction and consideration of resolutions ;

Which was read and laid over until to-morrow under the rule.

Mr. Gibbs offered the following resolution :

*Whereas*, It is desirable to digest as thoroughly as possible all propositions that may come before this Convention through its members ; therefore, be it

*Resolved*, That the standing committees of this body be instructed to keep, and present with their reports, schedules of all resolutions, &c., referred to them for consideration, together with a report of their decision on the merits of each one ; and that any member may be allowed to call up during the consideration of the report of its appropriate committee, any proposition thus scheduled and reported ;

Which was read, and laid over until to-morrow under the rule.

By Mr. Mann, Resolution No. 29 : Relative to printing resolutions,

Was read.

Mr. Love offered to amend as follows :

“ Strike out all that part of the resolution after the words ‘ appropriate committee.’ ”

Mr. Miller moved to lay the motion to amend on the table ;  
Which was not agreed to.

The question was upon the adoption of the amendment offered by Mr. Love.

Mr. Randall, of Madison, offered as a substitute to the amendment the following :

Strike out the words " memorials, petitions, &c."

Mr. Randall, of Madison, withdrew his substitute.

Mr. Blount, as an amendment, offered the following :

Amend by putting after the word bill : " Articles, sections, ordinances and resolutions," omitting from the latter all pre-faces and preambles.

Mr. McKinnon rose to a point of order and called for the reading of Rule No. 27 ;

Which was read.

Mr. McClellan moved to indefinitely postpone the whole matter.

The yeas and nays were called for by Messrs. Miller, Chandler, Hausman, Walter, Petty and Lewis.

The vote was :

Yeas—Messrs. Bethel, Campbell, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Genovar, Gillis, Goodbread, Green, Hatch, Hausman, Henderson, Herndon, Hicks, Hope, Humphries, Hunter, Ives, Jones, Lesley, Love, Lutterloh, Marshall, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Pelot, Randolph, Richard, Scott, Speer, Stone, Swearingen, Tedder, Tolbert, Wadsworth, Weeks, Wilson of Clay, and Wyly—54.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Carr, Challen, Chandler, Conover, Fogarty, Fowler, Gibbs, Goss, Hargret, Hendley, Hocker, Johnston, Lewis, Malone, Mann, Maxwell, Miller, Parsons, Petty, Randall of Duval, Randall of Madison, Robertson, Rogers, Rowe, Sanchez, Sheats, Taylor, Thompson, Tompkins, Turnbull, Walker, Jr., Wall, Walter, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Yonge and Zipperer—46.

So the motion to indefinitely postpone prevailed.

Resolution No. 30, relative to blank reports, introduced yesterday by Mr. Gillis, was read.

Mr. Gillis withdrew the resolution.

Resolution No. 35, relative to the introduction of resolutions, offered by Mr. Miller, was read as follows :

*Resolved*, That the following be adopted as Rule No. 35 :  
The introducer of any resolution or article shall place upon



the back thereof a brief statement of its contents, and his name and county or Senatorial District, and the name of the committee to which he wishes such subject referred.

Upon motion the resolution was adopted.

Resolution No. 54, requiring committees to report within seven days, offered by Mr. Walker, Jr., on yesterday, was read.

Upon motion of Mr. Walker, Jr., action on this resolution was deferred.

Resolution No. 57, relative to duties of standing committees to this body, was read.

Upon motion of Mr. Thompson, action on this resolution was deferred until to-morrow.

Resolution No. 61, relative to printing proceedings of this Convention, was read as follows :

*Resolved*, That the Committee on Printing be instructed to contract for printing all proceedings of this Convention with the lowest responsible bidder.

Upon motion, the resolution was adopted.

The motion of Mr. Mann, offered yesterday, to amend Rule No. 27 as follows : After " shall," in first line, insert " be read by its title." In last line strike out " entered " and insert " spread." In same line strike out " only by their title," was read.

Mr. Oliveros moved to lay the motion on the table ;

Which was agreed to.

The resolution offered by Mr. Randall, of Duval, yesterday, reading as follows : "*Resolved*, That every report of any standing committee embracing any article or section designed to be incorporated in the Constitution, or any ordinance of the Convention, shall be printed by order of the committee if the committee so determine, or by the order of the Convention, before the same shall be read a second time for the action of the Convention," was taken up.

Upon motion, the resolution was read and adopted.

The roll of counties being called, the following articles, ordinances and resolutions were introduced, and, on motion of Mr. Blount, read by their titles and referred to appropriate committees :

By Mr. Maxwell, Article No. 1 : On distribution of powers ;  
Referred to Committee on Executive and Administrative Department.

By Mr. Rogers, Article No. 2 : Relating to bill of rights ;  
Referred to Committee on Preamble and Bill of Rights.

By Mr. Sanchez, Article No. 3 : Relating to homestead exemptions ;

Referred to Committee on Homesteads.

By Mr. Marshall, Ordinance No. 4: Providing for a uniform system of common schools and a University, and for the liberal maintenance of the same ;

Referred to Committee on Education.

By Mr. Taylor, Ordinance No. 5: Relating to homestead exemptions ;

Referred to Committee on Homestead Exemptions.

By Mr. Love, Ordinance No. 6: Relating to the Judicial Department ;

Referred to committee on Judicial Department.

By Mr. Miller, Ordinance No. 7: To be entitled an Ordinance to restore to civil rights all persons heretofore convicted in courts of Justices of the Peace ;

Referred to the Committee on Suffrage and Eligibility.

By Mr. Zipperer, Resolution No. 65: Belating to election of Governor and Cabinet ;

Referred to Committee on Executive and Administrative Department.

By Mr. Clark, of Jackson, Resolution No. 67: Relating to Railroad Commission ;

Referred to Committee on Private Corporations.

By Mr. Hunter, Resolution No. 68: Relating to the election by the electors of Judges and Justices of the Peace ;

Referred to Committee on Judicial Department.

By Mr. Speer, Resolution No. 69: Relative to the State and counties issuing bonds ;

Referred to Committee on Finance and Taxation.

By Mr. Hunter, Resolution No. 70: Relating to the time of meeting of the Legislature, length of session and compensation ;

Referred to Committee on Legislative Department.

By Mr. Blackburn, Resolution No. 71: Limiting the members of the Legislature ;

Referred to Committee on Census, Apportionment and Boundaries.

By Mr. Blackburn, Resolution No. 72: To abolish the office of Lieutenant-Governor ;

Referred to Executive and Administrative Committee.

By Mr. Blackburn, Resolution No. 73: To limit the time of the sessions of the Legislature.

Referred to Committee on Legislative Department.

By Mr. Petty, Resolution No. 74: Relative to the manner of ratifying the Constitution ;

Referred to Committee on Constitutional Amendments.

By Mr. Wylly, Resolution No. 75: Creating Boards of Assessors for each election precinct;

Referred to Committee on Finance and Taxation.

By Mr. Wylly, Resolution No. 76: Relating to the perfection of titles;

Referred to Committee on Finance and Taxation.

By Mr. Fowler, Resolution No. 77: In relation to the abolishing of the grand jury system;

Referred to Committee on Judicial Department.

By Mr. Morgan, Resolution No. 78: Relating to property of married women;

Referred to Committee on Homestead.

By Mr. Morgan, Resolution No. 79: Relating to errors and omissions of public officers;

Referred to Committee on Judicial Department.

By Mr. Hicks, Resolution No. 80: On new counties and limits of old ones;

Referred to Committee on County, Township and City Organization.

By Mr. Hicks, Resolution No. 81: Defining the homestead and exemptions;

Referred to Committee on Homesteads.

By Mr. Hicks, Resolution No. 82: On sessions of the Legislature;

Referred to Committee on Legislative Department.

By Mr. Hicks, Resolution No. 83: Right of suffrage defined and extended;

Referred to Committee on Suffrage and Eligibility.

By Mr. Hendley, Resolution No. 84: Regulating freight rates, &c.;

Referred to Committee on Private Corporations.

By Mr. Hendley, Resolution No. 85: Regulating the liquor traffic;

Referred to Committee on Temperance.

By Mr. Goodbread, Resolution No. 86: Relative to the election of State and county officers;

Referred to Committee on Executive and Administrative Department.

By Mr. Herndon, Resolution No. 87: On revision of the Constitution;

Referred to Committee on Constitutional Amendments.

By Mr. Bush, Resolution No. 88: On suffrage and eligibility;

Referred to Committee on Suffrage and Eligibility.

By Mr. Tolbert, Resolution No. 89: Relative to the power of Justices of the Peace;

Referred to the Committee on Judiciary Department.

By Mr. Tolbert, Resolution No. 90: Relative to homestead exemptions;

Referred to Committee on Homestead Exemptions.

By Mr. Yonge, Resolution No. 91: Relating to residents on Naval and Military reservations in this State:

Referred to Committee on Suffrage and Eligibility.

By Mr. Wall, Resolution No. 92: On the division of counties into minor political organizations;

Referred to the Committee on County, Township and City Organization.

By Mr. Lutterloh, Resolution No. 93: As to the qualification of electors:

Referred to Committee on Suffrage and Eligibility.

By Mr. Lutterloh, Resolution No. 94: As to Homesteads;

Referred to Committee on Homesteads.

By Mr. Goss, Resolution No. 95: Limiting the powers of the Clerk of the Court and creating a County Auditor;

Referred to the Committee on Judiciary Department.

By Mr. Goss, Resolution No. 96: Rights of the people to vote for their officials and on the ratification of the Constitution;

Referred to the Committee on Constitutional Amendments.

By Mr. Goss, Resolution No. 97: The right to register and vote in this State, and what crimes shall disfranchise;

Referred to Committee on Suffrage and Eligibility.

By Mr. Miller, Resolution No. 98: Relative to the election of all officers by the people and the rights of defendants in criminal cases—to be inserted in the Bill of Rights;

Referred to Committee on Preamble and Bill of Rights.

By Mr. Humphries, Resolution No. 99: On representation;

Referred to Committee on Census, Apportionment and Boundaries.

By Mr. Oliveros, Resolution No. 100: The rights of corporations organized under the laws of other States and Governments;

Referred to Committee on Private Corporations.

By Mr. Oliveros, Resolution No. 101: The rights of foreigners to hold and dispose of property;

Referred to Committee on Preamble and Bill of Rights.

By Mr. Walter, Resolution No. 102: Relating to Punishment for violation of ordinances of cities and towns;

Referred to Committee on Judiciary Department.

The Committee on Executive and Administrative Department made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., June 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your committee respectfully report that in the view they have as to changes proper to be made in the present Constitution, Section 19 of Article VI, referred to them, should go to the Committee on County Organization; and they recommend that reference, asking to be discharged from further consideration of that section.

Very respectfully,

A. E. MAXWELL, Chairman.

Which was read.

Upon motion, the report was received.

Mr. Sanchez, Chairman of the Committee on Judicial Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Judicial Department, to whom was referred

Resolution No. 9, by Mr. Fowler, in reference to Board of Internal Improvement, beg leave to report the same back to the Convention for further reference; also,

Resolution No. 59, by Mr. Ives, to limit period of imprisonment for fines, your committee report the same adversely—it pertaining to a matter of legislation, and not of organic law.

Very respectfully,

E. C. F. SANCHEZ,

Chairman Committee.

Which was read, and upon motion, the report was adopted.

Mr. McCaskill, Chairman of the Committee on Taxation and Finance, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Finance and Taxation to whom was referred—

Resolution No. 37, to make rolling stock of railroads personal property,

Respectfully report that they have considered the same, and



find that its objects are now provided for by law, and therefore return the same, with the recommendation that no further action is necessary upon this subject.

Very respectfully,

A. L. McCASKILL, Chairman.

Which was read, and, upon motion, the report was received.

Mr. Turnbull, Chairman of the Committee on Printing, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Printing for the Convention, beg leave to make the following report: After inviting proposals, the two city papers put in bids. Upon examination we find that the *Floridian*, conducted by Messrs. Dorr & Bowen, made the lowest bid, which was satisfactory to your committee, and respectfully ask that the printing of this Convention be given to said Messrs. Dorr & Bowen, whose bid is herewith attached. We recommend that 2,000 Journals be placed upon the tables of members daily, and that 1,000 be bound in book form.

Respectfully submitted,

S. J. TURNBULL, Chairman.

TALLAHASSEE, FLA., June 17, 1885.

*Hon. S. J. Turnbull, Chairman Committee on Printing :*

SIR: In reply to yours of the 16th instant, we beg leave to make the following proposition as to printing for the Convention :

For 2,000 copies of daily Journal, to be laid on desks of delegates each morning, one-half a cent for each 100 words per copy, for the first 100 copies, and one-eighth of a cent for each 100 words per copy for the remaining 1,900 copies. This proposal to include all miscellaneous printing furnished to the Convention, such as bills, messages, reports, &c., &c, whether in pamphlet form or otherwise ordered.

For 1,000 copies of the Convention Journal in book form, to be stitched and delivered after the adjournment of the Convention, at the rate of \$1.15 per page, counting one copy.

We state above as a basis of calculation, and we do agree to do the work of the Convention at 30 (thirty) per cent. less than above given rates.

We are very respectfully,

DORR & BOWEN,

Publishers *Floridian*.

Which was read, and, upon motion, was received and adopted.

On motion of Mr. Wylly, the number of the Committee on Public Health was increased from seven to nine.

The President named as the said Committee the following gentlemen :

Messrs. Wylly, Wall, Carson, Pelot, Conover, Blount, Lutterloh, Fogarty and Walter.

Mr. Hargret was excused on account of sickness.

Mr. Mann, Chairman of the Committee on Suffrage and Eligibility asked leave to employ a clerk for his committee ;

Which was granted.

Mr. Hicks moved that the sergeant-at-arms be authorized to secure the services of two janitors for this Convention, and that Mr. Nazworth be one of them.

Mr. Parkhill moved that Mr. Dennis be the other.

Mr. Mitchell moved that Edwin Shakespear be one.

Pending discussion, upon motion of Mr. McCaskill, the Convention adjourned until 10 o'clock A. M. to-morrow.

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## NINTH DAY.

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THURSDAY, JUNE 18, 1885.

The Convention met pursuant to adjournment.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, San-

chez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—102.

A quorum present.

Prayer by the Chaplain.

Mr. Pelot moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was corrected and approved.

On motion of Mr. Landrum, Mr. Bell, of Brevard and Dade, was indefinitely excused on account of sickness.

On motion of Mr. Lesley, Mr. Rogers was granted a leave of absence until Monday.

Mr. Wylly introduced a memorial from the "Friends of Temperance," and requested that it be referred to the Committee on Temperance;

Which was done.

Mr. Taylor introduced the following substitute for Rule No. 28:

All articles, sections and ordinances proposed by any member to be embodied in the Constitution shall be presented to the Convention in such concise form and language as it is the wish of the member introducing same to have it appear in the Constitution, without preamble or other superfluous, or argumentative reasons for its adoption; and no two distinct subjects-matter, or matter referrible to more than one standing committee shall be contained in the same paper. All matter introduced in compliance with this rule shall be printed in full in the Journals, unless otherwise ordered by the Convention, and shall be referred to appropriate committee without debate;

Which was read.

Mr. Chandler moved the suspension of the rule that the substitute might be taken into immediate consideration;

Which was not agreed to, and the substitute was laid over until to-morrow under the rule.

Mr. Blount asked leave to withdraw "*Be it Resolved*, That subdivision 3 of Rule 18 be amended so as to read as follows: 3. Introduction and Consideration of Resolutions," offered by him yesterday;

Which was granted.

The following resolution offered by Mr. Gibbs on yesterday came up for adoption:

*Whereas*, It is desirable to digest as thoroughly as possible

all propositions that may come before this Convention through its members ; therefore, be it

*Resolved*, That the standing committees of this body be instructed to keep, and present with their reports, schedules of all resolutions, &c., referred to them for consideration, together with a report of their decision on the merits of each one ; and that any member may be allowed to call up during the consideration of the report of its appropriate committee, any proposition thus scheduled and reported.

The resolution was read and adopted.

Resolution No. 57 relative to the duties of members of standing committees was taken up.

The resolution was read as follows :

WHEREAS, The present Constitution of this State is used as a guide in framing a new Constitution, in limiting or defining the power of the State Legislature—the law making department of the State ; *and whereas*, The most important work to be performed in deliberative bodies, such as Constitutional Conventions and law-making departments ; therefore, be it

*Resolved*, That each member of the respective standing committees is hereby requested to carefully examine the present Constitution (a copy of which has been furnished every member of this Convention), and that the said members of the committees aforesaid are further required to report any and all amendments found necessary to the Chairman of said committee on the assembling of the committee.

Mr. Marshall moved that further consideration of the resolution be indefinitely postponed ;

Which was agreed to, and the resolution was indefinitely postponed.

Mr. Goss asked permission to withdraw Resolution No. 96 : Relative to the rights of the people to vote for their officials and on the ratification of the Constitution ;

Which was granted and the resolution was withdrawn.

The roll of counties being called the following Articles, Ordinances and Resolutions were introduced, and, on motion of Mr. Yonge, were read by their titles and referred to appropriate committees :

By Mr. Sheats, Ordinance No. 8 : Providing for the election by the people of all county officers, and the manner of their removal ;

Which was referred to the Committee on Judicial Department.

By Mr. Blount, Ordinance No. 9 : Defining the rights and liabilities of married women ;

Which was referred to Committee on Homestead and Exemptions and Married Women's Property.

By Mr. Blount, Ordinance No. 10: Prescribing conditions to relief from taxation;

Which was referred to Committee on Taxation and Finance.

By Mr. Love, Ordinance No. 11: Relative to education;

Which was referred to Committee on Education.

By Mr. Carr, Ordinance No. 12: Pertaining to the Bill of Rights;

Which was referred to Committee on Bill of Rights.

By Mr. Walker, Jr., Ordinance No. 13: Prescribing the election of and the method of electing Judges of the Supreme Court, and the selection of Circuit and County Judges and Justices of the Peace;

Which was referred to the Committee on Judiciary Department.

By Mr. Marshall, Ordinance No. 14: To provide for the election of Sheriffs, to prohibit them from being their own successors in office, to empower the Legislature to make them *ex-officio* Tax Collectors;

Which was referred to Committee on County, Township and City Organization.

By Mr. Mitchell, Ordinance No. 15: Relative to Homestead exemption and the rights of married women;

Which was referred to the Committee on Homestead and Exemptions and Married Women's Property.

By Mr. Campbell, Ordinance No. 16: In reference to number composing House of Representatives;

Which was referred to the Committee on Census, Apportionment and Boundaries.

By Mr. Lesley, Ordinance No. 17: Formation of new counties;

Which was referred to Committee on County, Township and City Organization.

By Mr. Lesley, Ordinance No. 18: Relative to the recognition of existing counties;

Which was referred to Committee on County, Township and City Organization.

By Mr. Lesley, Ordinance No. 19: Relative to the removal of county seats;

Which was referred to Committee on County, Township and City Organization.

By Mr. Carr, Ordinance No. 20: In relation to apportionment and representation;

Which was referred to Committee on Census, Apportionment and Boundaries.



By Mr. Herndon, Resolution No. 103: Relating to the qualifications of jurors;

Which was referred to Committee on Judicial Department.

By Mr. Stone, Resolution No. 104: In relation to drawing the grand and petit jurors in this State;

Which was referred to Committee on Judicial Department.

By Mr. Bush, Resolution No. 105: To allow towns and cities to make their own assessments of real property;

Which was referred to Committee on Finance and Taxation.

By Mr. Scott, Resolution No. 106: Providing for a per capita school tax and no other poll tax to be levied and leaving the county school subject to a vote of the registered voters of the county;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Goodbread, Resolution No. 107: Authorizing persons to vote who have resided in Florida twelve months and in the county thirty days;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Hendley, resolution No. 108: Relating to public schools;

Which was referred to Committee on Education.

By Mr. Hendley, Resolution No. 109: Relating to tax titles;

Which was referred to Committee on Judicial Department.

By Mr. Coker, Resolution No. 110: Relating to Temperance and Constitutional Prohibition;

Which was referred to Committee on Temperance.

By Mr. Coker, Resolution No. 111: Relating to Homesteads and Exemption;

Which was referred to Committee on Homesteads, etc.

By Mr. Turnbull, Resolution No. 112: On Suffrage and Eligibility;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Rogers, Resolution No. 113: To amend Article VII, Section 1, of the Constitution, so as to create the office of Commissioner of Agriculture and make him a Cabinet officer;

Which was referred to Committee on Executive and Administrative Department.

By Mr. Wellman, Resolution No. 114: Relating to Election of County Commissioners;

Which was referred to Committee on County and City Organization.

## REPORTS OF COMMITTEES.

Mr. Maxwell, Chairman of the Committee on Executive and Administrative Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 18, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on the Executive and Administrative Department, to which was referred—

Article III, on the Distribution of Powers,

Have considered the same, and they report that in their opinion it should be adopted as a part of the Constitution, and they so recommend. Said article is herewith returned for the action of the Convention.

Respectfully submitted,

A. E. MAXWELL, Chairman.

## ARTICLE III.—DISTRIBUTION OF POWERS.

The powers of government of the State of Florida shall be divided into three departments—Legislative, Executive and Judicial; and no person properly belonging to one of the departments shall exercise any functions appertaining to either of the others, except in cases expressly provided for by this Constitution.

Which was read, and the report of the committee received. Also the following :

CONVENTION HALL, TALLAHASSEE, FLA., June 18, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on the Executive and Administrative Department, to which was referred the parts of the present Constitution pertaining to those departments, have given careful consideration to the same, and have embodied their conclusions in an Article which accompanies this report, styled "Article V, Executive Department," which they recommend for adoption.

Your committee in the framing of said Article have also considered resolution 65 as to election of Governor and Cabinet; also, resolution 72 as to abolishing the office of Lieutenant-Governor; also, resolution 86 relative to the election of State and county officers; and they return herewith the said resolutions, and recommend that each be laid on the table.

Respectfully submitted,

A. E. MAXWELL, Chairman.

## ARTICLE V.—EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of Florida.

SEC. 2. The Governor shall be elected by the qualified electors of the State at the time and places of voting for the members of the Legislature, and shall hold his office for four years from the time of his installation, but shall not be eligible for re-election to the said office the next succeeding term; *Provided*, That the first election for Governor under this Constitution shall be had at the time and places of voting for members of the Legislature and State officers in the year of our Lord one thousand eight hundred and eighty-eight, and the term of office of the Governor then elected shall begin on the day of the assembling of the Legislature chosen at such election.

SEC. 3 No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been nine years a citizen of the United States, and three years a citizen of the State of Florida, next preceding the time of his election.

SEC. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they shall be called into the service of the United States.

SEC. 5. He shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the officers of the administrative department upon any subject relating to the duties of their respective offices.

SEC. 6. He shall see that the laws are faithfully executed.

SEC. 7. When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission, which shall expire at the next election.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall in his proclamation state the purpose for which they are to be convened, and the Legislature when organized shall transact no legislative business except that for which they are especially convened, except by the unanimous consent of both houses.

SEC. 9. He shall communicate by message to the Legislature at each regular session the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall

have power to adjourn the Legislature to such time as he may think proper, provided it is not beyond the time fixed for the meeting of the next Legislature.

SEC. 11. The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, dating from the time of conviction, for all offences, except in cases of impeachment. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature.

SEC. 12. The Governor, Justices of the Supreme Court, and Attorney-General, or a major part of them, of whom the Governor shall be one, may, upon such conditions, and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment, and grant pardons after conviction, in all cases except treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

SEC. 13. The Governor may, at any time, require the opinion of the Justices of the Supreme Court, as to the interpretation of any portion of this Constitution upon any question affecting his Executive powers and duties, and the Justices shall render such opinion in writing.

SEC. 14. All Commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. The Governor shall, by and with the consent of the Senate, appoint all commissioned officers of the State Militia, including an Adjutant-General for the State. The Adjutant-General shall be the chief officer of the Governor's staff, with the rank of Major-General. His duties and compensation shall be prescribed by law.

SEC. 16. The Governor and the officers of the Executive Department shall constitute a Board of Commissioners of State Institutions, which Board shall have supervision of all matters connected therewith, in such manner as shall be prescribed by law.

SEC. 17. The Governor shall have power, in cases of insurrection or rebellion, to suspend the writ of *habeas corpus* within the State.

SEC. 18. The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the



rules and limitations prescribed for the passage of other bills over the Executive veto.

SEC. 19. In case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the powers and duties of the Governor shall devolve upon the President of the Senate for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the President of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives. But should there be a general election for members of the Legislature during such vacancy, an election for Governor to fill the same shall be held at the same time.

SEC. 20. The Governor shall be assisted by six administrative officers, to wit: a Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction and Commissioner of Lands and Immigration, who shall be elected at the same time as the Governor, and shall hold their offices for the same time: *Provided*, That the first election of such officers shall be had at the time of voting for Governor in the year of our Lord one thousand eight hundred and eighty-eight; *Provided further*, The Legislature may after that year abolish the office of Commissioner of Lands and Immigration.

SEC. 21. The Secretary of State shall keep the records of official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall be the custodian of the Great Seal of the State. He shall also have charge of the Capitol building and grounds and perform such other duties as shall be prescribed by law.

SEC. 22. The Attorney-General shall be the legal adviser of the Governor, and of each of the officers of the Executive Department, and shall perform such other legal duties as the Governor may direct, or as may be provided by law. He shall be Reporter for the Supreme Court. He shall also have supervision of the State Prison.

SEC. 23. The Comptroller shall examine, audit, adjust and settle the accounts of all officers of the State, and perform such other duties as may be prescribed by law.

SEC. 24. The Treasurer shall receive and keep all funds, bonds, or other securities, in such manner as may be provided by law, and shall disburse no funds, bonds, or other securities, except upon the order of the Comptroller, countersigned by the Governor, in such manner as shall be prescribed by law.

SEC. 25. The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruc-



tion ; the supervision of buildings devoted to educational purposes, and the libraries belonging to the University and common schools. He shall keep a historical bureau for the purpose of accumulating such matter and information as may be necessary for compiling and perfecting the history of the State. He shall also keep a cabinet of minerals and other natural productions, and shall perform such other duties as shall be prescribed by law.

SEC. 26. The Commissioner of Lands and Immigration shall have supervision of all matters pertaining to the public lands under such regulations as shall be prescribed by law, and shall keep the Bureau of Immigration established to furnish information for the encouragement of immigration.

SEC. 27. Each officer of this department shall make a full report of his official acts, of the receipts and expenditures of his office, and of the requirements of the same, to the Governor at the beginning of each regular session of the Legislature, or whenever the Governor shall require it. Such reports shall be laid before the Legislature by the Governor at the beginning of each regular session thereof. Either house of the Legislature may at any time call upon any officer of this department for information required by it.

SEC. 28. The salary of the Governor shall be thirty-five hundred dollars per annum, and that of the Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction and Commissioner of Lands and Immigration, shall be two thousand dollars each per annum ;

Which was read and upon motion of Mr. Yonge, the report and accompanying papers were ordered spread upon the Journal.

Mr. McCaskill, Chairman of the Committee on Finance and Taxation, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 18, 1885.

Hon. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Taxation and Finance, to whom was referred—

Resolution No. 75, creating Boards of Tax Assessors for each election precinct,

Respectfully return the same and recommend its reference to the Committee on County, Township and City Organization.

Very respectfully,

A. L. McCASKILL, Chairman.

Which was read and received.

Also the following :

CONVENTION HALL, TALLAHASSEE, FLA., June 18, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Taxation and Finance, to whom was referred—

Resolution No. 76, relating to the perfection of tax titles, respectfully report the same back as not pertinent to organic law.

Very respectfully,

A. L. McCASKILL,

Chairman Committee.

Which was read and received.

Upon motion, the accompanying resolution was laid upon the table.

ARTICLE No. 3 : On Distribution of Powers, was read the first time and placed among the orders of the day.

ARTICLE No. 5 : Relating to Executive Department, was read the first time and 200 extra copies of the Article ordered printed for use of the Convention.

Mr. Bethel moved that Convention adjourn that the Committees may have time to work ;

Which was agreed to, and the Convention was adjourned until 10 o'clock a. m. to-morrow.

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## TENTH DAY.

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FRIDAY, JUNE 19, 1885.

The Convention met pursuant to adjournment.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Hum-

phries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—105.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved to dispense with the reading of the Journal ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Morgan offered a memorial on the subject of Temperance ;

Which was referred to the Committee on Temperance.

Mr. Yonge offered the following resolution :

*Resolved*, That subdivision 6, of Rule No. 18, be amended by adding the following : “ And when a report is made by any such committee, the same shall be read, and together with accompanying articles, ordinances, sections or other papers be placed among the ‘orders of the day,’ for further consideration ;”

Which was read and laid over until to-morrow under the rules.

Mr. Yonge offered the following resolution :

*Resolved*, That the form of Rule No. 18 be amended by inserting between reports of select committees and consideration of articles, sections and ordinances on their first reading, the following : “ Orders of the Day.”

Mr. Yonge moved that Hon. R. W. Davis, Speaker of the Assembly, be invited to a seat within the bar ;

Which was agreed to.

Mr. Taylor moved that Col. Louis I. Fleming be invited to a seat within the bar ;

Which was agreed to.

The substitute for Rule No. 28, offered on yesterday by Mr. Taylor, was then taken up and read, as follows :

All articles, sections and ordinances proposed by any member to be embodied in the Constitution shall be presented to the Convention in such concise form and language as it is the wish of the member introducing same to have it appear in the

Constitution, without preamble or other superfluous or argumentative reasons for its adoption; and no two distinct subjects-matter, or matter referrible to more than one standing committee, shall be contained in the same paper. All matter introduced in compliance with this rule shall be printed in full in the Journals, unless otherwise ordered by the Convention, and shall be referred to appropriate committee without debate.

The question was upon the adoption of the substitute.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bennett, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Coker, Conover, Davis, Duncan, Earle, Fogarty, Fowler, Gibbs, Goodbread, Goss, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Hunter, Ives, Johnston, Jones, Landrum, Lewis, Malone, Mann, Marshall, Maxwell, Miller, Mitchell, Monsalvatge, Parkhill, Parsons, Petty, Randall of Duval, Randall of Madison, Robertson, Rowe, Sanchez, Sheats, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Whitmire, Wilson of Polk and Manatee, Yonge and Zipperer—61.

Nays—Messrs. Bell of Brevard and Dade, Bethel, Campbell, Clarke of Jefferson, Clark of Jackson, Davidson, Edge, Genovar, Gillis, Green, Hausman, Humphries, Lesley, Lutterloh, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Parker, Pelot, Randolph, Richard, Scott, Speer, Stone, Swearingen, Tolbert, Weeks, Wilson of Clay and Wyllly—32.

So the substitute was lost, two-thirds not voting in the affirmative.

The roll of counties being called the following Articles, Ordinances and Resolutions were introduced :

Mr. Yonge moved that the Resolutions, Ordinances and Articles be read by their titles only, and referred to the appropriate committees ;

Which was agreed to, and the following ordinances were read by their titles, and referred as follows :

By Mr. Sheats, Ordinance No. 21 : Providing for the division of counties into school districts, and authorizing districts to vote a special tax for school purposes ;

Which was referred to Committee on education.

By Mr. Sheats, Ordinance No. 22 : Providing for separate and equal public schools for the races and preventing mixed schools ;

Which was referred to Committee on Education.

By Mr. Yonge, Ordinance No. 23: Referring to the body exercising the legislative authority of this State;

Which was referred to Committee on Legislative Department.

By Mr. Lesley, Ordinance No. 24: Relative to Legislative powers, elections and assembling of the same;

Which was referred to Committee on Legislative Department.

By Mr. Lesley, Ordinance No. 25: Relating to tax deeds;

Which was referred to Committee on Judiciary Department.

By Mr. Mitchell, Ordinance No. 26: Relative to suffrage;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Lutterloh, Ordinance No. 27: To establish a State Prison;

Which was referred to Committee on Public Institutions.

By Mr. Hocker, Ordinance No. 28: Relative to the amendment of Sections 1, 3, 4, 5, 7, 8, 9, 10 and 19, of Article VI of the Constitution, relating to the Judicial Department;

Which was referred to the committee on Judiciary Department.

By Mr. Edge, Ordinance No. 29: Relative to exempting property of widow women and maimed persons to the amount of \$150 from Taxation;

Which was referred to Committee on Taxation and Finance.

By Mr. Blackburn, Ordinance No. 30: Providing the manner of selecting Notaries Public;

Which was referred to Committee on Judiciary Department.

By Mr. Blackburn, Ordinance No. 31: Defining the elective officers of each county;

Which was referred to Committee on County, Township and City Organization.

By Mr. Sheats, Ordinance No. 32: Preventing the lending of county or district school funds or their application to any other than school purposes;

Which was referred to Committee on Education.

By Mr. Fowler, Resolution No. 115: Relative to special tax on unimproved lands for construction and repair of public roads and highways;

Which was referred to Committee on Taxation and Finance.

By Mr. Parsons, Resolution No. 116: Relating to a road tax on unimproved lands;

Which was referred to Committee on Taxation and Finance.

By Mr. Zipperer, Resolution No. 117: Relative to election of Justices of the Peace;



Which was referred to Committee on Judicial Department.

By Mr. Mitchell, Resolution No. 118: For relief of persons convicted of misdemeanors;

Which was referred to Committee on Schedule.

By Mr. Parker, Resolution No. 119: Prescribing mode of creating new counties;

Which was referred to Committee on County and City Organization.

By Mr. Johnston, Resolution No. 120: Restricting the power of Railway and other Corporations;

Which was referred to Committee on Private Corporations.

By Mr. Hendley, Resolution No. 121: Relating to Polygamy;

Which was referred to Committee on Preamble and Bill of Rights.

By Mr. Carson, Resolution No. 122: Referring to Education;

Which was referred to Committee on Education.

By Mr. Hatch, Resolution No. 123: To make County Commissioners *ex-officio* members of the County Board of Public Instruction;

Which was referred to Committee on Education.

By Mr. Wilson, of Polk, Resolution No. 124: Relative to County Courts;

Which was referred to Committee on Judicial Department.

By Mr. Randolph, Resolution No. 125: Concerning the final passage of bills in the House of Representatives;

Which was referred to Committee on Legislative Department.

By Mr. Randall, of Madison, Resolution No. 126: Relating to appointment of County Commissioners and defining their power;

Which was referred to Committee on County, Township and City Organization.

By Mr. Hausman, Resolution No. 127: Authorizing County Judges to issue marriage licenses;

Which was referred to Committee on County, Township and City Organization.

By Mr. Hausman, Resolution No. 128: Relating to bonds of county officers and their approval;

Which was referred to Committee on County, Township and City Organization.

By Mr. Hausman, Resolution No. 129: Separating time for holding National and State elections;

Which was referred to Committee on County, Township and City Organization.

By Mr. Blackburn, Resolution No. 130 : Relating to amendment of Bill of Rights ;

Which was referred to Committee on Preamble and Bill of Rights.

By Mr. Morgan, Resolution No. 131: Relating to Public Institutions ;

Which was referred to Committee on Public Institutions.

#### REPORTS OF COMMITTEES.

Mr. Sanchez, Chairman of Committee on Judiciary Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 19, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Judicial Department to whom was referred

Ordinance No. 81, by Mr. Sheats, of Alachua, in reference to the election of county officials, and providing for their removal, respectfully refer the same back to the Convention, except so much thereof as refers to election of County Judges, with a recommendation that it be referred to the Committee on Township, County and City Organization; also, in reference to Resolution No. 109, by Mr. Hendley, of Hernando, relating to Tax Titles; also, Resolution No. 103, by Mr. Herndon, relating to the qualifications of jurors, and Resolution No. —, by Mr. Stone, in relation to drawing the Grand and Petit Jurors in this State; your committee would respectfully refer them back to this Convention with the recommendation that they be laid upon the table.

Very respectfully,

E. C. F. SANCHEZ, Chairman.

Which was read, received and by motion of Mr. Yonge, the report of the committee and accompanying papers were placed among the orders of the day.

Mr. Mann, Chairman of the Committee on Suffrage and Eligibility, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 19, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Suffrage and Eligibility, to whom was referred —

Resolution No. 15, on election of officers,  
Have considered the same with favor, but recommend that  
the same be given to the Judicial Department.

Very respectfully,

A. S. MANN, Chairman.

Which was read, received and placed among the orders of  
the day.

Mr. Gillis, Chairman of the Committee to Revise and Super-  
vise the Recording of the Journal, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA , June 19, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Revising and Supervising the Re-  
cording of the Journal, report that they revise the Journal  
from day to day and will report from time to time, as may be  
necessary.

Very respectfully,

IRVIN GILLIS, Chairman.

Which was received and read.

The second reading of ordinances was declared in order.

Ordinance No 3 : On the Distribution of Powers, was read  
the second time.

Mr. Malone offered the following as a substitute :

### ARTICLE III.

#### THE DISTRIBUTION OF THE POWER OF GOVERNMENT.

SECTION 1. The Power of the Government of the State of Flor-  
ida shall be divided into three distinct departments, each of  
them to be confided to a separate body of magistracy, to-wit :  
Those which are legislative, to one ; those which are execu-  
tive, to another ; and those which are judicial, to another.

SEC. 2. No person or collection of persons being of one of  
those departments shall exercise any power properly belong-  
ing to either of the others, except in the instances hereinafter  
expressly provided in this Constitution.

Mr. Miller offered the following amendment :

Amend the article reported by the Committee on Distribu-  
tion of Powers as follows:

Add after the word "except," in third line, the following  
words : "That the Legislature may confer upon a Board of  
Commissioners the power to regulate such matters pertaining  
to railroads and other corporations as may be deemed advisable,  
and may confer both judicial and administrative power upon  
such board."

Mr. Mann moved that the article, substitute and amendments be referred back to committee.

Mr. Gillis moved to lay the motion on the table ;

Which was agreed to.

Mr. Miller moved to have the article, substitute and amendment printed and lay over until to-morrow.

Mr. Bethel moved to lay the motion on the table ;

Which was agreed to.

Mr. Baker moved that the article be made a special order of the day for 11 o'clock A. M. on Tuesday next.

Mr. Tolbert moved to lay the motion on the table ;

Which was agreed to.

The question was on the amendment offered by Mr. Miller.

Mr. Miller moved that the Article and proposed amendments be made the special order of the day for 10:30 o'clock A. M. Tuesday next ;

Which was agreed to.

Upon motion of Mr. Walter, the members of the Supreme Court were invited to seats within the bar at all times.

Article 5 was read the second time.

Mr. Maxwell moved that it be made a special order of the day for Monday next ;

Which was agreed to.

Messrs. Weeks, Challen, Clarke and Sanchez and the Recording Clerk were granted leave of absence until Monday.

Mr. Conover moved that all articles, sections, ordinances and resolutions pertaining to the Constitution, which shall be reported by the committees, shall be printed and laid upon the desks of members one day before they shall be considered or read the first time ;

Which was agreed to.

Messrs. Blount and Johnston were granted leave of absence until Tuesday.

Messrs. McCaskill, Mann and Odom were granted leave of absence until Monday.

Mr. Randall, of Duval, moved that the Convention adjourn until 10 o'clock A. M. Monday that the committees might have time to work ;

Which was agreed to, and the Convention was so adjourned.

## ELEVENTH DAY.

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MONDAY, JUNE 22, 1885.

The Convention met pursuant to adjournment.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, Neel, Oliveros, Orman, Parker, Parsons, Paterson, Petty, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—92.

A quorum present.

Prayer by the Chaplain.

Mr. Pelot moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Hicks introduced a memorial on the subject of temperance from the citizens of Franklin county ;

Which was read by its title and referred to the Committee on Temperance.

Mr. Ives introduced a memorial from the citizens of Columbia county relating to the Agricultural College ;

Which was read and referred to the Committee on Education.

Mr. Sheats offered a resolution on temperance from the Gainesville District Conference of the M. E. Church, South ;

Which was read and referred to the Committee on Temperance.

The following resolutions, introduced on last Friday, were taken up :



By Mr. Yonge: *Resolved*, That the form of Rule No. 18 be amended by inserting between reports of select committees and consideration of articles, sections and ordinances on their first reading, the following: "Orders of the Day;"

Which was read and adopted.

By Mr. Yonge: *Resolved*, That sub-division 6 of Rule 18 be amended by adding the following: "And when a report is made by any such committee, the same shall be read, and together with accompanying articles, ordinances, sections or other papers be placed among the 'orders of the day,' for further consideration;"

Which was read and adopted.

The roll of counties being called the following Articles, Ordinances and Resolutions were introduced, read by their titles and referred to appropriate committees:

By Mr. Parsons, Resolution No. 33: To prohibit special taxes on occupation and lawful industries;

Which was referred to Committee on Taxation and Finance.

By Mr. Davis, Ordinance No. 34: On the mode of amending and revising the Constitution;

Which was referred to Committee on Constitutional Amendments.

By Mr. Baker, Ordinance No. 35: Proposing amendments to the Constitution;

Which was read and referred to Committee on Constitutional Amendments.

By Mr. Coker, Ordinance No. 36: Relative to Legislative Department;

Which was referred to the Committee on Legislative Department.

By Mr. Marshall, Ordinance No. 37: Proposing a preamble for the new Constitution; also, Sections 1 and 2 of Declaration of Rights; also, a section providing that the privilege of the writ of *habeas corpus* shall not be suspended by the authorities of Florida;

Which was referred to the Committee on Preamble and Bill of Rights.

By Mr. Marshall, Ordinance No. 38: Giving the Legislature power to confer upon the Boards of County Commissioners further powers of local legislation and administration;

Which was referred to the Committee on Legislative Department.

By Mr. Pelot, Ordinance No. 39: Relative to eligibility of Senators or Representatives for office created or salary of which is increased during term for which elected;

Which was referred to the Committee on Suffrage and Eligibility.

By Mr. Cook, Ordinance No. 40 : Relating to the equalization of taxes ;

Which was referred to Committee on Taxation and Finance.

By Mr. Bennett, Ordinance No. 41 : To permit, restrict or prohibit the ranging of live stock within the limits of any county by a majority vote of the qualified electors of such county ;

Which was referred to Committee on Miscellaneous Provisions.

By Mr. Broome, Ordinance No. 42 : To secure minority representation on Boards of County Commissioners ;

Which was referred to Committee on County and City Organization.

By Mr. Bell, of Brevard, Resolution No. 133 : Making further provisions for the Common Schools, the Agricultural College and the East and West Florida Seminaries ;

Which was referred to Committee on Education.

By Mr. Stone, Resolution No. 134 : In relation to electors ;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Baker, Resolution No. 135 : Providing for the organization of County Courts ;

Which was referred to the Committee on Judicial Department.

By Mr. Fowler : Resolution No. 136 : In relation to military companies giving bond before drawing arms ;

Which was referred to the Committee on Militia.

By Mr. Fowler, Resolution No. 137 : On behalf of the common schools, Agricultural College, the East and West Florida Seminaries ;

Which was referred to the Committee on Education.

By Mr. Hargret, Resolution No. 138 : On temperance ;

Which was referred to Committee on Temperance.

By Mr. Pelot, Resolution No. 139 : Relating to manner of filling vacancies occurring in the General Assembly from certain causes ;

Which was referred to Committee on Legislative Department.

#### REPORTS OF COMMITTEES.

Mr. Bethel, Chairman of the Committee on Legislative Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 22, 1885.  
HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Legislative Department, to which was referred —

Article IV, on Legislative Department, considered the same, and have embodied their conclusions in an article which accompanies this report, which they recommend for adoption. Your committee in considering the framing of this article, have also considered Resolution No. 23, as to defining the body exercising the legislative authority of the State ; also, Resolution No. 24, as to election and assembling of the Legislature ; also, Resolution No. 70, relating to the time of meeting of the Legislature, length of session and compensation ; also, Resolution No. 73, limiting the time of the session of the Legislature ; also, Resolution No. 82, relative to the session of the Legislature ; also, Resolution No. 125, concerning the final passage of bills in the House of Representatives ; also, Resolution *In re* to Board of Internal Improvement, and they return herewith the same resolutions, for such action as the Convention may deem proper.

Respectfully submitted,

L. W. BETHEL, Chairman.

Which was read and the accompanying papers were placed among the orders of the day.

Mr. Pelot, Chairman of the Committee on Schedule, made the following report :

CONVENTION HALL, )  
TALLAHASSEE, FLA., June 22, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Schedule to whom was referred —

Preamble and Resolution No. 118, offered by Mr. Mitchell, relative to the relief of persons convicted of felony, would respectfully report the same back to the Convention, with the recommendation that it be laid upon the table.

Very respectfully,

J. C. PELOT,

Chairman of Committee.

Which was read, and the accompanying papers were placed among the orders of the day.

### ORDERS OF THE DAY

Article IV, as reported by the Committee on Legislative Department, was read, as follows :

## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of this State shall be vested in a Senate and Assembly, which shall be designated "The Legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

SEC. 2 The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in January, A. D., 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation.

SEC. 3. The members of the Assembly shall be chosen biennially, those of the first Legislature on the first Tuesday after the first Monday in November, A. D. 1886, and thereafter on the corresponding day of every second year.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly; *Provided*, That the Senators elected at the first election from the Senatorial Districts designated by even numbers shall vacate their seats at the expiration of two years, and thereafter all Senators shall be elected for the term of four years, so that one-half of the whole number shall be elected biennially.

SEC. 5. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent. The pay of members of the Senate and Assembly shall not exceed six dollars per day for each day of session, and mileage to and from their homes to the seat of government, not to exceed ten cents per mile each way.

SEC. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, including a President of the Senate; determine the rules of its proceedings, and may punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members present expel a member.

SEC. 7. Either House during the session may punish by imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the presence of absent members in such manner and under such penalties as each House may prescribe.

SEC. 9. Any person who shall be convicted of embezzlement or defalcation of the [funds of the] State or any county there-



of, or of having given or offered a bribe to secure his election or appointment to office, or of having given, offered or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of honor, profit or trust in the State; and the Legislature shall, as soon as practicable, provide by law for the punishment of such embezzlement, defalcation or bribery, as a felony.

SEC. 10. Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 11. The doors of each house shall be kept open during its session, except the Senate while sitting in executive session; and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

SEC. 12. Any bill may originate in either house of the Legislature, and after being passed in one house may be amended in the other.

SEC. 13. The enacting clause of every law shall be as follows: "The people of the State of Florida, represented in Senate and Assembly, do enact as follows."

SEC. 14. Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be amended or revised by reference to its title only; but in such case the act as revised, or section as amended, shall be re enacted and published at length.

SEC. 15. Every bill shall be read by sections on three several days in each house, unless in case of emergency, two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered in the Journal of each house, and a majority of the members present in each shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses, and by the Secretary of the Senate and Clerk of the Assembly.

SEC. 16. No money shall be drawn from the treasury except by appropriation made by law, and accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

SEC. 17. The Legislature shall not pass special or local laws



in any of the following enumerated cases : that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers, or for the punishment of crime or misdemeanor ; regulating the practices of courts of justice, except municipal courts ; providing for changing venue of civil and criminal cases ; granting divorces ; changing the names of persons ; vacating roads, town plats, streets, alleys and public squares ; summoning and empanneling grand and petit juries, and providing for their compensation ; for the assessment and collection of taxes for State and county purposes ; providing for opening and conducting elections for State and county officers, and designating the places of voting ; providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities ; regulating the fees of officers of the State and county.

SEC. 18. In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in the preceding section, the Legislature may pass special or local laws.

SEC. 19. Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

SEC. 20. Lotteries are hereby prohibited in this State.

SEC. 21. The Legislature shall establish a uniform system of County and Municipal Government, which shall be applicable, except in cases where local or special laws are provided by the Legislature which may be inconsistent therewith.

SEC. 22. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining and other useful companies or associations as may be deemed necessary, including Free and Accepted Masons, Odd Fellows, Knights of Honor, Knights of Pythias and Royal Arch Masons.

SEC. 23. No person who is not a qualified elector of this State, and no person who shall have been convicted of bribery, forgery, perjury, larceny or any felony, except restored to civil rights, shall be permitted to serve on juries.

SEC. 24. Laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SEC. 25. Regular sessions of the Legislature may extend to sixty days, but any special session convened by the Governor shall not exceed twenty days.

SEC. 26. All property, both real and personal, of the wife, owned by her before marriage, or acquired afterward by gift,

devise, descent, purchase, or by her labor, shall be her separate property and not liable for the debts of her husband.

SEC. 27. The Legislature shall provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

SEC. 28. Every bill which may have passed the Legislature shall, before becoming a law, be presented to the Governor; if he approves it he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both Houses by a two-thirds vote of the members present, which vote shall be entered on the journal of each House, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sundays excepted) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment, prevent such action, such bill shall be a law, unless the Governor, within ten days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

SEC. 29. The Assembly shall have the sole power of impeachment; but a vote of two thirds of all members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. The Senate may adjourn to a fixed day for the trial of any impeachment, and may sit for the purpose of such trial whether the Assembly be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the Assembly. The Chief Justice shall preside at all trials by impeachment except in the trials of the Chief Justice, when the Governor shall preside. The Governor, members of the Cabinet, Justices of the Supreme Court, and Judges of the Circuit Court shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law. All other officers who shall have been appointed to office

by the Governor or elected by the people, may be suspended from office by the Governor for cause, or may be removed from office by the Governor by and with the consent of Senate, but they shall nevertheless be liable to indictment, trial, final removal from office and punishment according to law for any misdemeanor in office.

SEC. 30. Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

SEC. 31. The Legislature shall elect United States Senators in the manner prescribed by the Congress of the United States and by this Constitution.

Which was read and laid over until to-morrow under the rule.

#### SPECIAL ORDERS.

Article V was taken up, and, upon motion of Mr. Milton, the Convention resolved itself into a Committee of the Whole to consider Article V, as offered by the Committee on Executive Department.

Mr. Oliveros in the chair.

The Committee of the Whole arose, reported progress and asked leave to sit again.

Messrs. Speer, McKinnon and Monsalvatge were granted indefinite leave of absence.

Upon motion of Mr. Baker, the Convention was adjourned until 10 o'clock A. M. to-morrow.

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## TWELFTH DAY.

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TUESDAY, JUNE 23, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis,

Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—103.

A quorum present.

Prayer by the Chaplain.

Mr. Humphries moved that the reading of the Journal be dispensed with ;

Which was agreed to.

Mr. Bennett asked that the Journal be corrected as follows :

In the title of Ordinance No. 41, introduced by him yesterday, the word "prevent" be changed so as to read "permit ;"

Which was done.

The Journal as corrected was approved.

Mr. Conover moved that in the introduction of Resolutions, Articles and Ordinances the call of the counties be dispensed with ;

Which was agreed to.

The following Resolutions, Ordinances and Articles were introduced, read by their titles and referred to the appropriate committees :

By Mr. Hocker, Ordinance No. 43: Amending Section 15, Article 6, of the Constitution, relating to Justices of the Peace ;

Which was referred to Committee on Judicial Department.

By Mr. Orman, Ordinance No. 44: Relating to qualified voters within any city or town, and who are entitled to vote on expenditures of money ;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Pelot, Ordinance No. 45: Preventing the holding of more than one lucrative office or of eligibility to seat in General Assembly of those holding United States or State offices or appointments ;

Which was referred to Committee on Suffrage and Eligibility.

By Mr. Rogers, Resolution No. 140 : To permanently locate

the State Prison and the establishment of a State Farm in connection therewith ;

Which was referred to Committee on State Institutions.

By Mr. Tedder, Resolution No. 141 : To reduce the number of Judicial Districts in this State from 7 to 4, and provide for the salaries of said Judges ;

Which was referred to Committee on Judicial Department.

The roll of committees was called, and the following reports offered :

By Mr. Yonge, Chairman of the Committee on County, Township and City Organization :

CONVENTION HALL, TALLAHASSEE, FLA., June 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on County, Township and City Organization, to whom was referred—

Resolution No. 127, authorizing County Judges to issue marriage licenses, beg leave to report that they have examined the same, and recommend that it be referred to the Committee on the Judicial Department, it having reference to the jurisdiction and powers of a branch of the judiciary.

Very respectfully,

J. E. YONGE, Chairman.

Upon motion, the report was received and the accompanying papers were placed among the orders of the day.

Also, the following :

CONVENTION HALL, TALLAHASSEE, FLA., June 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on County, Township and City Organization, to whom was referred—

Resolution No. 129 : To separate the times of holding National and State elections, beg leave to report that they have examined the same, and recommend it be referred to Committee of the Legislative Department, the subject more properly belonging to Legislative powers.

Very respectfully,

J. E. YONGE,

Chairman Committee.

Which was read, received and the accompanying papers placed among the orders of the day.



## ORDERS OF THE DAY.

Article IV, on Legislative Department, which was read for information on yesterday, was read by its title and placed among the orders of the day for a second reading.

## SPECIAL ORDERS.

Article III, on the Distribution of Powers, was read.

Mr. Maxwell moved to strike out the word "functions" and insert the word "powers;"

Which was agreed to.

Mr. Miller offered the following amendment:

Amend the Article reported by the Committee on Distribution of Powers as follows:

Add after the word "except," in third line, the following words: "That the Legislature may confer upon a Board of Commissioners the power to regulate such matters pertaining to railroads and other corporations as may be deemed advisable, and may confer both judicial and administrative power upon such Board."

Mr. Mann offered the following amendment to the amendment:

In line eight strike out "railroads and other" and insert "such." In line ten, after "confer" strike out "both judicial and."

The question was on the adoption of the amendment to the amendment;

Which was not agreed to.

The question was on the adoption of the amendment by Mr. Miller.

Mr. Wylly moved to lay the amendment on the table;

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carson, Coker, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Maxwell, Milton, Monsalvatge, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—79.

Nays—Messrs. Baker, Bush, Challen, Chandler, Clark of Jackson, Conover, Earle, Gibbs, Goss, Hargret, Hendley, Johnston, Marshall, Miller, Mitchell, Petty, Thompson and Walker, Jr.—18.

So the motion to lay upon the table was agreed to.

Mr. Tolbert offered the following substitute for Article III:

The powers of the government of the State of Florida shall be divided into three departments, Legislative, Executive and Judicial; and no person belonging to one of the departments shall exercise any powers appertaining to the others. The Legislature shall have power to establish a Railroad Commission;

Which was not agreed to.

The question was upon the engrossing of Article III, as reported from the committee, for a third reading on to-morrow;

Which was agreed to and it was so ordered.

Upon motion of Mr. Baker, the Convention went into Committee of the Whole to consider Article V, laid over from yesterday.

Mr. Oliveros in the Chair.

The Committee of the Whole arose and made the following report:

CONVENTION HALL, June 22, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: The Convention having resolved itself into a Committee of the Whole for the consideration of Article V, as reported by the Committee on the Executive and Administrative Department, I hereby respectfully report that the committee have had the said Article under consideration, and have adopted the following amendments to Section 3:

In second line strike out "nine" and insert "ten;" also, strike out "three" and insert "five."

Also the following amendment to Section 5:

Strike out "from the officers of the Administrative Department," and insert "from the Administrative officers of the Executive Department."

Also the following amendments to Section 6:

Strike out the word "see" and insert "take care;" also, strike out the word "are" and insert "be."

Also, the following amendment to section 7:

Add after "Commission" in 3d line, "for the unexpired term," in lieu of the words "which shall expire at the next election."

Also, the following amendment to section 8 :

Add after the words "especially convened," "or such other legislative business as the Governor may call to their attention while in session;" also, strike out "except," and insert "other than."

Also, the following amendments to section 11 :

In line six strike out "final;" also, in line two strike out the words "dating from time of conviction;" also, in line three strike out the word "upon," and insert "in cases of."

Also, the following amendment to section 12 :

Strike out "Justices of the Supreme Court and Attorney-General," and insert "administrative officers of the executive department."

Also, the following amendments to section 14 :

Strike out "countersigned," and insert "attested;" also, after the word "all," in first line, insert the words "grants and."

Your committee now ask to be discharged.

Very respectfully,

B. F. OLIVEROS, Chairman.

Which was read and received.

It was moved by Mr. Chandler that the report be read by sections for adoption.

Mr. Bethel moved to lay the motion to read by sections on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Carson, Clarke of Jefferson, Cook, Davidson, Davis, Duncan, Earle, Genovar, Goodbread, Green, Hatch, Hendley, Henderson, Herndon, Hope, Jones, Love, Lutterloh, Malone, Milton, Morgan, Odom, Oliveros, Pelot, Richard, Rogers, Scott, Swearingen, Tedder, Wall, Weeks, Wellman, Westcott, Wilson of Clay and Wyly—39.

Nays—Messrs. Baker, Bell of Hamilton, Blount, Broome, Bush, Campbell, Carter, Carr, Challen, Chandler, Clark of Jackson, Coker, Conover, Edge, Fogarty, Fowler, Gibbs, Gillis, Goss, Hargret, Hicks, Hocker, Humphries, Hunter, Ives, Johnston, Landrum, Lesley, Lewis, Mann, Marshall, Maxwell, Miller, Mitchell, McCaskill, McClellan, Neel, Orman, Parker, Parkhill, Paterson, Petty, Randall of Duval, Randell of Madison, Robertson, Rowe, Sanchez, Sheats, Stone, Taylor, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Walter, Whitmire, Wilson of Polk, Yonge and Zipperer—61.

So the motion to lay on the table did not prevail.

The Convention then proceeded to read the report by sections :

Section 1 was read and passed to its third reading.

Section 2 was read.

Mr. Miller, of Marion, moved to amend Section Two (2) of Article Five (5) as follows :

Strike out in Section Two (2) of Article Five (5) the words "the Governor shall be elected by the qualified electors of the State at the time and place of voting for members of the Legislature," and insert in lieu thereof the following amendment : "The Governor shall be selected in the following manner to-wit : Electors shall be apportioned by the Legislature to the several counties in this State according to the number of inhabitants of such counties, and shall be elected by the voters of such counties at the time and place of voting for members of the Legislature ; on the third Monday after the election of such electors they shall assemble at the Capitol, at the Seat of Government, and shall each on taking his seat in the Assembly of Electors, register his name, county and the political party to which he belongs with the Clerk of said Assembly. The said electors shall then proceed to elect a Governor by a *viva voce* vote, and the person receiving a majority of the votes of each of the two largest political parties in said Assembly of Electors shall be Governor, and the person receiving the highest vote of each of the two largest political parties in said Assembly, although not a majority of either of said parties, shall be Lieutenant Governor. If, after thirty ballots shall have been taken, no person has received a majority of each of the two largest political parties in said Assembly, then the person receiving the highest vote of any two political parties, although not a majority of either of such parties, shall be Governor.

Mr. McClellan moved to indefinitely postpone the amendment, and moved the previous question ;

Which was ordered.

The yeas and nays were called for on the indefinite postponement.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carr, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell,

Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk, Wyly, Yonge and Zipperer—89.

Nays—Messrs. Baker, Challen, Chandler, Goss, Hargret, Lewis, Miller, Mitchell, Petty and Thompson—10.

So the amendment was indefinitely postponed.

Mr. Mann offered the following amendment:

In line two strike out "four" and insert "two."

Mr. McCaskill moved to lay the amendment on the table;

Which was agreed to.

Mr. Mann offered the following amendment:

In line six, Section 2, strike out "eighty-eight" and insert "eighty-six."

Mr. McCaskill moved to lay the amendment on the table;

Which was agreed to.

Mr. Mann offered the following amendments to section 2:

After "election," in line 8, add "the Governor shall, before he enters on the duties of his office, take the following oath or affirmation: I do solemnly swear or affirm (as the case may be) that I will faithfully execute the office of Governor of the State of Florida, and will to the best of my ability preserve, protect and defend the Constitution thereof and the Constitution of the United States of America."

Mr. Maxwell moved to lay the amendment on the table;

Which was agreed to.

Mr. Swearingen offered the following:

Strike out in section 2, "but shall not be eligible for reelection to the said office the next succeeding term;"

Which, upon motion, was laid upon the table.

The section was passed to a third reading as amended.

Section 3 was read.

Mr. Bush offered the following amendment:

Amend by adding after the word "citizen," in the third line, the words "and resident;"

Which was adopted.

Mr. Landrum offered the following amendment:

After the word "election," in line two, insert "who has not attained to the age of 35 years;"

Which was not agreed to.

Mr. McClellan moved that section 3 be adopted as amended;

Which was agreed to.



Section 4 was read.

Mr. Mann moved to strike out line two ;

Which was not agreed to.

Section 4 was then adopted.

Section 5 was read, as amended by the Committee of the Whole.

Upon motion, it was adopted as read.

Section 6 was read, as amended by the Committee of the Whole.

Upon motion, the amendment offered by the Committee of the Whole was adopted, and the section, as amended, was adopted.

Section 7 was read, as amended by the Committee of the Whole.

The amendments offered by the Committee of the whole were adopted and the section as amended was adopted.

Section 8 was read, as amended by the Committee of the Whole.

The amendments offered by the Committee of the Whole were adopted.

Mr. Mann moved to strike out the word "unanimous" in the last line and insert in lieu thereof "the two-thirds vote of each House ;"

Which was agreed to, and the amendment was declared adopted.

Section 8 was declared adopted as amended.

Section 9 was read.

Mr. Orman offered the following substitute for Section 9 :

He shall communicate by message to the Legislature at each regular session, and at the close of his official term, to the next Legislature, information concerning the condition of the State ; and recommend such measures as he may deem expedient ;

Which was adopted.

Section 10 was read and adopted without amendment.

Section 11 was read, as amended by the Committee of the Whole.

The amendments recommended by the Committee of the Whole were adopted, and the section, as amended, was declared adopted.

Section 12 was read, as amended by the Committee of the Whole.

Mr. Walker, Jr., moved that the amendments offered by the Committee of the Whole be not adopted ;

Which was agreed to.

Pending the adoption of section 12, Mr. Paterson asked leave to offer the following invitation :

TALLAHASSEE, June 23, 1885.

*Brother Angus Paterson, Dear Sir and Brother :*

Jackson Lodge No. 1, F. & A. M., propose to celebrate the anniversary of St. John the Baptist, by public exercises at Gallie's Hall to-morrow night, at 8:30 o'clock, when Bro. A. J. Russell will deliver an address on Masonry, and our Lodge desires, through you, to extend an invitation to the members of the Constitutional Convention to be present.

All masons are cordially invited to assemble at the Lodge Room at 7:30, and attend the exercises in a body.

Fraternally yours,

JACOB R. COHEN, W. M.

Mr. McClellan moved that the invitation be accepted and thanks returned ;

Which was agreed to.

Mr. Mitche'l moved to adjourn ;

Which was not agreed to.

Section 12 was read as first offered, and was declared adopted.

Section 13 was read and adopted without amendment.

Section 14 was read, as amended by the Committee of the Whole, and was declared adopted as amended.

Section 15 was read.

Mr. Walter offered the following amendment :

In section 15, 2d line, strike out all after the word " militia ;"

Which was not agreed to.

Mr. Yonge offered the following amendment to Section 15, Article V :

*Provided*, That this Constitution shall work no vacancy in the office of Adjutant-General, as now constituted, until the expiration of the present term ;

Which was agreed to.

Mr. Randall, of Duval, offered to amend by striking out the words, " by and with the consent of the Senate ;"

Which was agreed to

Mr. Thompson offered to amend as follows :

*Provided*, That the Legislature may, in the year 1888, abolish the office of Adjutant-General ;

Which was not agreed to.

Section 15, as amended, was then declared adopted.

Mr. Johnston moved that the Convention adjourn until 9 o'clock A. M. to-morrow ;

Which was agreed to and the Convention was so adjourned.

## THIRTEENTH DAY.

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WEDNESDAY, JUNE 24, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Patterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—104.

A quorum present.

Prayer by the Chaplain.

Mr. Fowler moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected so as to show that Mr. Maxwell, Chairman of Committee on Executive and Administrative Department, offered an additional section to Article V, as follows :

SEC. —. All officers who shall have been appointed or elected, and who are not liable to impeachment, may be suspended from office by the Governor for cause stated, or may be removed by him by and with the consent of the Senate ; but such suspension or removal shall not relieve them from indictment, trial and punishment according to law for any misdemeanor in office ;

Which, together with all amendments offered thereto, was referred back to the said committee.

Mr. Hocker offered the following resolution :

*Resolved*, That the President of the Convention be requested to have printed, and to furnish each member of the Convention with two copies of the amendments to the Rules, which do not appear on the Rules as printed, and of the new Rules, printed on a single slip of paper.

Mr. Hargret offered the following resolution :

*Resolved*, That this Convention do now proceed to employ two persons to do the work of and perform the duties that have been performed so far by Jesse Dennis, and that Jesse Dennis be one of the two.

The following resolutions, articles and ordinances relating to the Constitution were offered, read by their titles and referred to the appropriate committees :

By Mr. Blount, Ordinance No. 47 : For the preservation of rights of owners of real estate ;

Which was referred to the Committee on Miscellaneous Provisions.

By Mr. Blount, Ordinance No. 48 : Exempting from Taxation certain property employed in manufactures ;

Which was referred to the Committee on Taxation and Finance.

By Mr. Sanchez, Article No. 49 : Relating to Suffrage ;

Which was referred to the Committee on Suffrage and Eligibility.

By Mr. Pelot, Ordinance No. 50 : As to time of submitting Constitution to the people for ratification ;

Which was referred to the Committee on Schedule.

By Mr. Pelot, Ordinance No. 51 : Prescribing the manner of announcement and publication of the Constitution ;

Which was referred to the Committee on Schedule.

By Mr. Zipperer, Resolution No. 142 : Application of poll tax ;

Which was referred to the Committee on Taxation and Finance.

By Mr. Zipperer, Resolution No. 143 : Relative to issuing bonds ;

Which was referred to the Committee on Judicial Department.

By Mr. Zipperer, Resolution No. 144 : Restricting Judges in certain cases ;

Which was referred to the Committee on Judicial Department.

By Mr. Rogers, Resolution No. 145 : Assessing one-eighth of one mill on the dollar for the benefit of the State Agricul-

tural College, and one-sixth of one mill for the benefit of the East and West Florida Universities ;

Which was referred to the Committee on Education.

#### REPORTS OF COMMITTEES.

The roll of committees being called, the following committees reported as follows :

Mr. Maxwell, Chairman of Committee on Executive and Administrative Department, made the following reports :

CONVENTION HALL, TALLAHASSEE, FLA., June 24, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on the Executive and Administrative Department to which was referred—

A proposed amendment to section 12, Article V, report the same back without recommendation, as the said section has passed beyond the stage for amendment.

They also report back resolution 113 to amend section 1, Article V, with recommendation that it be laid on the table, as they have already reported the number of administrative officers they think required. But as to the matter of providing for an Agricultural Commission or Bureau, they suggest its reference to the Committee on the Legislative Department.

They also report back a proposed section 19, in relation to Lieutenant-Governor, with recommendation that it be laid on the table, the committee having already considered the matter, and reported adversely.

Very respectfully,

A. E. MAXWELL, Chairman.

Which was received, read, and the accompanying papers placed among the orders of the day.

Also the following :

CONVENTION HALL, TALLAHASSEE, FLA., June 24, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your committee on the Executive and Administrative Department to which was referred—

Additional Section to Article V, in relation to suspension and removal of officers, together with the several amendments to the same and the substitutes therefor, after due consideration of all the questions presented by the said various propositions, have agreed upon a substitute, which they submit herewith, recommending its adoption.

Very respectfully,

A. E. MAXWELL, Chairman.



Which was received, read, and the papers accompanying the report were placed among the orders of the day.

Mr. Oliveros, Chairman of the Enrollment and Engrossing Committee, made the following report :

CONVENTION HALL,  
TALLAHASSEE, FLA., June 24, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article No. 3, on Distribution of Powers, beg leave to report that they have compared the engrossed Article and find the same properly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

SAM'L E. HOPE,

THEODORE RANDELL,

H. H. DUNCAN,

W. F. THOMPSON,

Committee.

Which was received and read.

Mr. Milton, Chairman of the Committee on Preamble and Bill of Rights, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 24, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Preamble and Bill of Rights, to whom was referred—

Resolution No. 2, introduced by Mr. Rogers, of Suwannee, in relation to Preamble and Bill of Rights; Resolution No. 12, introduced by Mr. Carr, of Leon, entitled "An ordinance pertaining to the Bill of Rights;" Ordinance No. 37, introduced by Mr. Marshall, of Levy, proposing a preamble and certain sections to be inserted in Bill of Rights; Resolution No. 98, introduced by Mr. Miller, of Marion, relative to the election of all officers by the people, and the rights of defendants in criminal cases, to be inserted in Bill of Rights; Resolution No. 101, introduced by Mr. Oliveros, of St. Johns, the rights of foreigners to hold and dispose of property; Resolution No. 121, introduced by Mr. Hendley, of Hernando, relating to polygamy; Resolution No. 130, introduced by Mr. Blackburn, of Suwannee, entitled "An Amendment to the Bill of Rights."

Beg leave to respectfully report as follows: We have given

all of said resolutions, amendments and ordinances due consideration, and such as seemed proper to be inserted therein we have incorporated in the Bill of Rights, which we report, and respectfully beg leave to refer all of said articles, resolutions and ordinances back to the Convention, and ask to be discharged from the further consideration thereof.

Very respectfully,

W. H. MILTON, Chairman.

Which was received, read and the accompanying Preamble and Bill of Rights was read as follows :

### PREAMBLE.

We, the people of the State of Florida, grateful to Almighty God for our constitutional liberty, in order to secure its blessings and form a more perfect government, insuring domestic tranquility, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this Constitution.

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### DECLARATION OF RIGHTS.

SECTION 1. All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of its citizens, and they have the right to alter or amend the same whenever the public good may require it ; but the paramount allegiance of every citizen is due to the Federal Government, and no power exists with the people of this State to dissolve its connection therewith.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever.

SEC. 4. The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions ; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the State or society.

SEC. 5. The writ of *habeas corpus* shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless in case of rebellion or invasion the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive

finer imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or the presumption great.

SEC. 8. No person shall be tried for a capital or otherwise infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the State may keep, with the consent of Congress, in time of peace.

SEC. 9. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury, duly drawn from the body of the county where the crime shall have been committed, and shall be heard by himself, or counsel, or both, to demand the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have free and compulsory process to compel the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.

SEC. 10. No person shall be subject to be twice put in jeopardy for the same offence, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken without just compensation.

SEC. 11. Every person may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or the press.

SEC. 12. No person shall be compelled to pay costs except after conviction, on a final trial.

SEC. 13. The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 14. Laws of a general nature shall have a uniform operation throughout the State, and shall contain no local, special or private provisions, but the Legislature may pass local, special or private laws, provided three months' notice of the intention to apply for the passage of such laws, and of the subject-matter thereof shall be given before the assembling of the Legislature.

SEC. 15. No person shall be imprisoned for debt except in cases of fraud.

SEC. 16. No bill of attainder, or *ex post facto* law, nor any

law impairing the obligation of contracts, or discriminating against any citizen of this State, shall ever be passed.

SEC. 17. Foreigners who are, or who may hereafter become, *bona fide* residents of the State, shall enjoy the same rights in respect to the possession, enjoyment, transfer and inheritance of property as native born citizens.

SEC. 18. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be tolerated in this State.

SEC. 19. The right of the people to bear arms in defence of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

SEC. 20. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated; and no warrants issued but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

SEC. 21. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood or forfeiture of estate.

SEC. 22. No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

SEC. 23. All courts in this State shall be open, and every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice administered without sale, denial or delay.

SEC. 24. This enunciation of rights shall not be construed to impair or deny others retained by the people.

Mr. Baker moved that further consideration of Article V be taken up and completed;

Which was agreed to.

Section 15, Article V, as reported by the committee, was read as follows:

Section 15. All officers who shall have been appointed or elected, and who are not liable to impeachment, may be suspended from office by the Governor for malfeasance or misfeasance in office, for the commission of any felony, or for drunkenness or incompetency, and the cause of suspension



shall be communicated to the officer suspended and to the Senate at its next session. And the Governor, by and with the consent of the Senate, may remove any officer, not liable to impeachment, for any cause above named. Any suspension shall continue until the adjournment of the next session of the Senate, unless the officer suspended shall, upon the recommendation of the Governor, be removed. If the Senate shall refuse to remove, or fail to take action before its adjournment, the officer suspended shall resume the duties of the office. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended. The suspension or removal herein authorized shall not relieve the officer from indictment for any misdemeanor in office.

Mr. Baker offered the following amendment, and moved its adoption :

*Provided*, That in case the Senate shall not agree to such removal the officer so removed shall receive all pay and emoluments of the office to which he would have been entitled.

Mr. Bell, of Brevard and Dade, offered the following substitute :

1. Any county official may be removed from office for the following causes, viz: Incompetency, willful neglect of duty, malfeasance, misfeasance, drunkenness, gambling, or any violation of the criminal laws of the State of Florida.

2. Such removal shall be had upon conviction of the officer in the Circuit Court of the offence after indictment by the grand jury of the county in which the office is located. Upon the filing of the indictment in the Clerk's office the officer shall be suspended from the performance of the duties of his office, and the Governor shall appoint a person to perform the duties thereof during the pendency of the judicial proceedings, under such regulations as to bond and otherwise as to him may seem proper. Upon conviction there shall be judgment of *ouster* against the officer, and upon acquittal the judgment shall be that the proceedings be dismissed and the party restored to his office.

When there is no grand jury in session to present the indictment, the Governor may suspend the officer charged with such offences if he thinks a case is made upon the papers presented to him. If the grand jury at the term of the court next succeeding the Executive suspension fail to find and file an indictment for any of the offences above enumerated, the party charged shall be restored to office.

These proceedings shall be no bar to any civil suit for civil liability;

Which was read.



The question was upon the amendment offered by Mr. Baker ;

Which was not agreed to.

The question was then upon the substitute offered by Mr. Bell, of Brevard and Dade.

Mr. Thompson offered to amend the substitute as follows :

Add after "indictment" the following : " Or presentment ;"

Which was not agreed to.

The substitute offered by Mr. Bell, of Brevard, was lost.

Mr. Malone offered the following substitute :

All officers not liable to impeachment, who shall have been appointed by the Governor or elected by the people, may be suspended or removed from office by the Governor in such manner and for such causes as may be provided by the Legislature ;

Which was not agreed to.

Mr. Mitchell offered the following substitute :

The Board of County Commissioners of the several counties of this State shall have the power to suspend any county officers for the following causes : 1. Habitual drunkenness ; 2. Neglect of duty ; 3. Incompetency ; 4. Or commission of felony.

The said Board shall cause notice to be personally made upon the officer, setting forth the cause upon which the application for a suspension is grounded ; and also give personal notice of the place and time of trial ; the accused shall have the right to be represented by himself or counsel, and if, upon the trial, the charge is sustained by sufficient evidence the Board shall declare the officer suspended and the office vacant, and notify the Governor of such vacancy, and the Governor shall thereupon order an election to fill such vacancy, provided that the time of trial shall be within thirty days from the date of the service of notice, and of which time the accused shall be fully informed ;

Which was read and was lost.

The question reverted to the adoption of the section as reported by the committee.

Mr. Malone moved that the further consideration of the section be passed for the present, and that the section be printed in the Journal of the day's proceedings ;

Which was agreed to.

Section 16 was read.

Mr. Clarke, of Jefferson, moved to amend by inserting the word " administrative " before the word " officers," in first line ;

Which was agreed to, and section 16 was passed as amended.  
Section 17 was read.

Mr. Orman offered the following amendment, and moved its adoption :

Strike out all after the word "power," first line, and insert as follows, to-wit : "to call out the volunteers, or militia, or both, to execute the laws, repel invasion, repress insurrection, quell mobs and riots, and preserve the public peace in such manner as may be authorized by law ;"

Which was not agreed to.

The question was upon the adoption of Section 17 as reported by the committee ;

Which was not agreed to, and the section was declared not adopted.

Section 18 was read and adopted.

Section 19 was read.

Mr. Paterson offered the following amendment and moved its adoption :

A Lieutenant-Governor shall be elected at the same time and places and in the same manner as the Governor, whose term of office and eligibility shall be the same. He shall be the President of the Senate, but shall only have a casting vote, and shall have the same pay as a member of the Legislature, except when acting as Governor. In case of impeachment of the Governor or his removal from office, death, inability to discharge his official duties or resignation, the power and duties of the office of Governor shall devolve upon the Lieutenant-Governor. In case of impeachment, death, inability to discharge his official duties or resignation, the power and duties of the office shall devolve upon the President *pro tem.* of the Senate. In case a vacancy shall occur in the office of Governor and Lieutenant-Governor, the Legislature at its next session shall order an election to fill such vacancies :

Which was not agreed to.

Mr. Yonge offered the following amendment and moved its adoption :

After the word Representatives in the 6th line, insert the following : "And when the President of the Senate or the Speaker of the House shall be called to discharge the duties of Governor, he shall cease to be a member of the Senate or House, as the case may be ;

Which was not agreed to.

Section 19 was declared adopted as reported by the committee.

Section 20 was read.

Mr. Randall, of Duval, offered the following amendments :

Strike out of line four the words, "at the same time as the Governor, and shall hold their offices for the same time," and insert "for the term of two years from the first Tuesday after the first Monday of January, next after their election."

Strike out in fifth line the words "at the time of voting for Governor."

Strike out in sixth line "eighty-eight," and insert "eighty-six."

Strike out in sixth line the words "that year," and insert "two years."

Add at end of section, "and confer the duties thereof upon some other officer or body."

Mr. Rogers offered to amend as follows :

Amend Article V, Section 20, by adding in 3d line, after the word "immigration," the words "and agriculture."

Strike out all after the word "eighty-eight" in 6th line.

Mr. Walter, of Duval, offered to amend as follows :

The Governor shall be assisted by five administrative officers, to wit : a Secretary of State, who in addition to his duties as Secretary of State, shall be the manager of the Land and Immigration Department, an Attorney-General, Comptroller, Treasurer and Superintendent of Education ; *Provided*, That the office of Commissioner of Lands and Immigration shall not be abolished until the day of the inauguration of the next Governor;

Mr. Carter moved the following amendments :

Amend line one, Section 20, Article V, by striking out "six" and inserting "five," and amend line 2, section 20, by striking out "Superintendent of Public Instruction."

Mr. Sanchez moved the following amendments :

In line 5th, after the word "voting," strike out "Governor" and insert "members of the Legislature ;" in 6th line, after "eighty," strike out "eight" and insert "six," and the officers elected at this election shall hold their offices for two years, and they shall enter upon their duties upon the assembling of the Legislature.

Mr. Marshall offered the following amendment :

After the last word in last line, add "or convert said office into one of Commissioner of Lands and Agriculture, and provide by law for the management of the same."

Mr. Campbell offered the following amendment :

Strike out "and Commissioner of Lands and Immigration," in third line.

Mr. Lesley offered the following amendment :

In sixth line, Section 20, Article V, strike out the word "may," wherever it appears, and insert the word "shall."

The question was on the adoption of the amendment of Mr. Randall, of Duval ;

Which was not agreed to.⁹

The question was then upon the adoption of the amendment offered by Mr. Rogers, of Suwannee ;

Which was agreed to, and the amendment was declared adopted.

The question was then upon the adoption of the amendment offered by Mr. Walter, of Duval ;

Which was not agreed to.

The question was then upon the adoption of the amendment of Mr. Carter, of Levy.

Mr. Carter asked leave to withdraw the amendment ;

Which was granted, and the amendment was withdrawn.

The question was then upon the adoption of the amendment offered by Mr. Sanchez, of Alachua.

Mr. Milton moved to lay the amendment on the table ;

The yeas and nays were called for by Messrs. Sanchez, Mann, Thompson, Chandler and Baker.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blount, Broome, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Hunter, Ives, Johnston, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Whitmire, Wilson of Clay, Wyly and Yonge—67.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Edge, Fowler, Gibbs, Goodbread, Goss, Hargret, Hicks, Humphries, Lesley, Mann, Miller, Mitchell, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Thompson, Tolbert, Walter, Wilson of Polk and Manatee and Zipperer—36.

So the motion to lay upon the table was agreed to.

The question was then upon the amendment offered by Mr. Marshall, of Levy.

Mr. Marshall asked leave to withdraw the amendment ;

Which was granted.

The question was then upon the adoption of the amendment of Mr. Campbell, of Walton ;

Which was not agreed to.

Mr. Lesley withdrew the amendment offered by him.

Mr. Paterson offered the following amendment :

The Governor shall be assisted by the following administrative officers, to wit: Secretary of State, Attorney-General, Comptroller and Treasurer, who shall be appointed by the Governor and confirmed by the Senate, and they shall hold their offices during the term of the Governor who appointed them; *Provided*, The Legislature may make such provision for Superintendent of Public Instruction and Commissioner of Lands, as may be necessary;

Which was not agreed to.

Mr. Conover offered the following amendment :

Strike out the words "at the same time as the Governor, and shall hold their offices for the same term," after the word "elected," in 3d line, and insert "and hold their offices for the term of two years;"

Which was not agreed to.

Mr. Sheats offered the following amendment :

Strike out "Superintendent of Public Instruction," and insert "State Superintendent of Schools;"

Which was not agreed to.

Mr. Challen offered to amend as follows :

Amend section 20 as amended by striking out "Lands and Immigration" so as to designate the officer, "Commissioner of Agriculture;"

Which was agreed to, and the amendment was declared adopted.

Mr. Bush offered the following amendment :

SEC. 20. The Governor shall be assisted by administrative officers, as follows: A Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction and Commissioner of Lands and Agriculture, who shall be elected at the same time as the Governor, and shall hold their offices for the same term; *Provided*, That the first election of such officers shall be had at the time of voting for Governor in the year of our Lord one thousand eight hundred and eighty-eight; *Provided further*, The Legislature at its first session shall define the powers and duties of the Agricultural Department of said Commissioner;

Which was not agreed to.

Mr. Walker, Jr., moved to adopt Section 20 as amended;

Which was agreed to.

Section 21 was read and passed without amendment.

Section 22 was read.



Mr. Miller offered to amend by striking out the words "he shall have supervision of the State Prison;"

Which was agreed to.

Mr. Malone offered to amend by striking out the words "as the Governor may direct, or;"

Which was agreed to.

Section 22 was then passed as amended.

Section 23 was read, and passed without amendment.

Section 24 was read, and passed without amendment.

Section 25 was read.

Mr. Sheats offered the following substitute :

The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction ; the supervision of the construction of State buildings devoted to educational purposes. He shall keep a historical bureau for the purposes of accumulating such matter and information as may be necessary for compiling and perfecting the history of the State, and shall perform such other duties as shall be prescribed by law.

The question was on the adoption of the substitute ;

Which not agreed to.

Mr. Taylor offered the following amendment :

At the end of line 3, of Section 25, of Article V, insert the words : " He shall establish a uniform series of text books for use in the public schools throughout the State ;"

Which was not agreed to.

Mr. Bush offered the following amendment :

Amend Section 25 by striking out the word " University," in 3d line, and add the words " State Agricultural College Universities."

Mr. Paterson moved to lay the amendment on the table ;

Which was agreed to.

Mr. Wall offered the following amendment :

Strike out all after " instruction " in the second line to " and " following " productions " in the 6th line ;

Which was not agreed to.

Mr. Rogers moved to strike out the words " he shall also keep a cabinet of minerals and other natural productions ;"

Which was not agreed to.

Section 25 was then passed without amendment.

Section 26 was read.

Mr. Maxwell offered the following substitute :

SECTION 26. The Commissioner of Agriculture shall perform such duties in relation to agriculture as may be prescribed by law ; shall have supervision of all matters pertaining to the public lands under regulations prescribed by law, and shall keep

the bureau of immigration. He shall also have supervision of the State Prison, and shall perform such other duties as may be prescribed by law ;

Which was adopted.

Mr. Miller offered the following amendment and moved its adoption :

The Commissioner of Agriculture shall have supervision and control of the State Prison, and may prescribe, under the regulation of the Legislature, such reasonable and humane rules as may be necessary for the government thereof; *Provided, however*, No convict shall be required to labor more than ten hours a day.

Upon motion the amendment was laid upon the table.

Mr. Marshall offered to amend by adding to the section the words, "and shall perform such other duties as shall be prescribed by law ;"

Which was agreed to.

Mr. Randall moved to amend by striking out the words, "he shall also have supervision of the State Prison ;"

Which was not agreed to.

Mr. Challen moved to amend as follows:

Amend by substituting "agricultural industries" for the word "agriculture ;"

Which was not agreed to.

Section 26 was then passed as amended.

Section 27 was read and passed without amendment.

Mr. Maxwell offered the following as section 28:

SECTION 28. The Governor and administrative officers of the Executive Department shall be installed on the first day of the meeting of the Legislature after their election ;

Which was adopted in original report.

Section 28 was read as printed.

Mr. Swearingen moved to amend as follows :

Strike out in Section 28, first line, "thirty-five hundred" and insert "three thousand dollars;" also, in same section, third line, insert "fifteen hundred dollars" for Attorney-General.

Mr. Baker offered to amend as follows :

In line 1, Section 28, strike out "\$3,500" and insert "\$5,000;" in line 3, strike out "\$2,000" and insert "\$3,000."

Mr. Randolph offered to amend as follows :

The Governor shall receive for his services the sum of five thousand dollars annually. The Comptroller shall receive for his services annually the sum of three thousand dollars. The Secretary of State, Attorney-General, Treasurer, Superintendent of Public Instruction and Commissioner of Agriculture,

shall each receive the sum of two thousand dollars annually for their services. These salaries may be increased or diminished by the Legislature, but not so as to increase or diminish the compensation of any officer named in this section after his election or during his term of office. All salaries included in this section shall be payable monthly on the warrant of the Comptroller.

Mr. Broome offered the following amendment:

Add to the section "until the expiration of the terms for which the present incumbents were selected, and until fixed by law."

Mr. Henderson offered to amend as follows:

In the first line after the words "shall be" strike out "thirty-five," and insert "twenty-five."

In the third line, after the words "shall be," strike out "two thousand," and insert "fifteen hundred."

Mr. Conover offered to amend section 23 so as to read as follows:

The salary of the Governor shall be five thousand dollars per annum, and that of the Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction and Commissioner of Agriculture shall be three thousand dollars per annum.

Mr. Wilson, of Polk and Manatee, offered to amend as follows:

The salary of the Governor shall be three thousand dollars per annum, and that of Secretary of State, Comptroller and Superintendent of Public Instruction shall be two thousand dollars, and that of the Attorney-General and Treasurer and Commissioner of Agriculture shall be fifteen hundred dollars per annum.

Mr. Sanchez offered to amend as follows:

In line 1 strike out "thirty-five" and insert "four thousand."

Mr. Tolbert offered the following amendment:

Strike out "Lands and Immigration," in third line, and add "Agriculture."

Mr. Bush offered to amend as follows:

In line 3 strike out the words "two thousand" and insert "twenty-five hundred."

Mr. Malone moved to strike out the entire section from the Executive Department, and refer to the Committee on Miscellaneous Provisions;

Which was agreed to.

Mr. Paterson moved to reconsider the vote by which section 12 was passed, and the section be put back on its second reading;

Which was not agreed to.

Mr. Clarke, of Jefferson, was excused for two days.

Mr. Walter moved to adjourn;

Which was not agreed to.

Article III was read the third time and put upon its final passage.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

The powers of government of the State of Florida shall be divided into three departments—Legislative, Executive and Judicial; and no person properly belonging to one of the departments shall exercise any power appertaining to either of the others, except in cases expressly provided for by this Constitution.

The roll was called.

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyll, Yonge and Zipperer—99.

Nays—Messrs. Chandler and Miller—2.

So the Article was passed.

Mr. Baker moved that the Convention do now adjourn until 9 o'clock A. M. to-morrow;

Which was agreed to, and the Convention was so adjourned.

## FOURTEENTH DAY.

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THURSDAY, JUNE 25, 1885.

The Convention met pursuant to adjournment.

President Paso in the Chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—102.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Challen introduced a petition from the citizens of Putnam county on the subject of Temperance ;

Which was read, and referred to the Committee on Temperance.

Mr. Randall, of Duval, presented a memorial on the subject of railroad freight discrimination ;

Which was referred to the Committee on Private Corporations.

The following resolution, introduced by Mr. Hocker on yesterday, was taken up :



*Resolved*, That the President of the Convention be requested to have printed, and to furnish each member of the Convention with two copies of the amendments to the Rules which do not appear on the Rules as printed, and of the new Rules, printed on a single slip of paper ;

Which was read and declared adopted.

The following resolution offered by Mr. Hargret yesterday, was taken up :

*Resolved*, That this Convention do now proceed to employ two persons to do the work of and perform the duties that have been performed so far by Jesse Dennis, and that Jesse Dennis be one of the two ;

Which was read.

Mr. Cook offered to amend by authorizing the Sergeant-at-Arms to employ such assistance as he needs to perform the duties of Janitor.

Mr. McCaskill moved to lay the whole matter on the table ;

Which was agreed to.

The following Articles and Ordinances were introduced, read and referred to appropriate committees :

By Mr. Sanchez, Ordinance No. 52 : Providing for the establishing of a house of correction and of poor farms ;

Which was referred to Committee on Public Institutions.

#### REPORTS OF COMMITTEES.

The roll of committees being called, the following reports were offered :

Mr. Hocker, Chairman of the Committee on Public Institutions, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 19, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Public Institutions beg leave to offer the following report :

*Resolved*, That Article X of the Constitution of A. D. 1868 be adopted by this Convention for the government of the public institutions of this State.

Very respectfully,

W. A. HOCKER, Chairman.

Which was read, received and the accompanying papers placed among the orders of the day.

Also the following :

CONVENTION HALL, TALLAHASSEE, FLA., June 25, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Public Institutions to whom was referred—

Ordinance No. 27, offered by Mr. Lutterloh, of Levy, report that having considered the same they herewith return it with the recommendation that it be laid on the table.

They also report that the resolution of Mr. Rogers, of Suwannee, instructing this committee to "inquire into the expediency of the permanent location of the State Prison, and the establishment of a State farm in connection therewith of sufficient size to employ all the convict labor," has received their attention. After as thorough an investigation of this matter as our circumstances enable us to make we are not inclined to recommend the establishment of such an institution as the one proposed by organic law, deeming it the wiser course to leave the Legislature free to develop such an institution as the financial ability of the State, the growth of humane ideas, and the needs of society may demand. They, therefore, return the same, and recommend that it be laid on the table.

They also report that they have considered Resolution No. 131, offered by Mr. Morgan, which resolution proposes the adoption of Article X of the present Constitution. Believing that this Article contains everything expedient to be incorporated in the organic law they herewith report said Article X as it stands in the present Constitution and recommend its adoption.

Very respectfully,

W. A. HOCKER.

Chairman of Committee.

## ARTICLE X.

### PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State subject to such regulations as may be provided by law.

SEC. 2. A State Prison shall be established and maintained in such manner as may be fixed by law. Provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders, and the Legislature shall have power to establish a home and work-house for common vagrants.

SEC. 3. The respective counties of the State shall provide in

the manner fixed by law for those of the inhabitants who, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society.

Which was received and read.

The Preamble and Declaration of Rights as reported by the committee, was read the first time, and placed among the orders of the day.

The consideration of Article V was resumed.

The proposed new Section 15, Article V was read.

Mr. Baker moved to reconsider the vote by which the amendment offered by him on yesterday was lost ;

Which was not agreed to.

Mr. Blount offered to amend as follows :

Add after the word "misfeasance" the words "neglect of duty ;"

Which was read and agreed to.

Mr. Walker, Jr., offered to amend as follows :

No officer suspended who shall, under this section, resume the duties of his office, shall suffer any loss of salary or other compensation in consequence of such suspension ;

Which was read.

The President ruled that the amendment was out of order.

Mr. Walker, Jr., appealed from the decision.

The question was, Shall the decision of the chair be sustained ?

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Broome, Campbell, Carter, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Hunter, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—82.

Nays—Messrs. Baker, Bell of Brevard and Dade, Blount, Bush, Carr, Carson, Challen, Goss, Hicks, Humphries, Ives, Lewis, Mann, Petty, Thompson, Tompkins and Walker, Jr.—17.

So the Chair was sustained.

On motion of Mr. Maxwell, the unanimous consent of the Convention was given to reconsider the vote by which the amendment offered by Mr. Baker on yesterday was lost, for the purpose of considering Mr. Walker's amendment.

On motion of Mr. Baker, the section, with amendments, was recommitted.

Mr. Sanchez moved to reconsider the vote by which Section 25 was adopted on yesterday.

The question was upon the motion to reconsider ;

Which was agreed to.

Mr. Sheats offered the following substitute for section 25 :

The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction ; the supervision of the construction of all State buildings devoted to educational purposes. He shall keep a historical bureau for the purposes of accumulating such matter and information as may be necessary for compiling and perfecting the history of the State ; and shall perform such other duties as shall be prescribed by law ;

Which was read, and the question was upon the adoption of the same ;

Which was not agreed to.

Mr. Carson offered the following substitute :

Section 25. The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction, the supervision of buildings devoted to educational purposes and other duties as the Legislature may deem proper for him to perform.

Mr. Chandler offered to amend as follows :

Strike out the whole section and insert as follows : " The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction, and shall perform such other duties as shall be prescribed by law."

The question was then upon the adoption of the substitute offered by Mr. Carson.

Mr. Gibbs moved to amend by inserting the word " State " before the word " buildings ;"

Which was accepted.

The substitute, as amended, was read and the question was upon its adoption ;

Which was agreed to, and the substitute was declared adopted.

Mr. Maxwell, Chairman of the Committee on Executive and Administrative Department, obtained leave and made the following report :



CONVENTION HALL, TALLAHASSEE, FLA., June 24, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on the Executive and Administrative Department, to which was referred—

Section 15, Article V, and the accompanying amendment, in relation to suspended officer, have considered the same, and they report same back with recommendation that the amendment be adopted to immediately precede the last sentence of said section. Respectfully submitted,

A. E. MAXWELL, Chairman.

Which was read.

The question was upon the adoption of the report.

Mr. Bush moved to amend as follows :

Strike out the words "or elected ;

Which was lost.

Mr. Sanchez offered to amend as follows :

Amend 3d line, after Governor "upon a recommendation of the grand jury of the county setting forth the charge against the officer ;

Which was lost.

Mr. Campbell offered to amend as follows :

But the Governor may reinstate said officer so suspended upon satisfactory evidence that the charge or charges against such officer are untrue ;

Which was agreed to.

Mr. Wilson, of Polk and Manatee, offered the following amendment :

Amend line six, after the word "suspended," by inserting "with notice of suspension ;"

Which was not agreed to.

Mr. Hicks offered the following amendment :

"All officers who shall have been appointed, or elected, and who are not liable to impeachment, may be suspended from office by the Governor, for malfeasance or misfeasance in office, for the commission of any felony, or for drunkenness, incompetency, or habitual neglect of duty, after conviction by due course of law ; and the Legislature shall pass the necessary laws to carry this section into effect ;"

Which was not agreed to.

Mr. Rogers offered the following amendment :

*Provided, however,* The Legislature may provide by law the method of authenticating the accusation ;

Which was not agreed to.



The Section, as amended, was then read and passed.

Mr. Conover moved to reconsider the vote by which Section 15, as originally numbered, was passed.

Mr. McClellan moved to lay the motion to reconsider on the table ;

Which was agreed to.

Mr. Maxwell moved that Article V, as amended and passed, be ordered engrossed and spread upon the Journal ;

Which was agreed to.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of Florida.

SEC. 2. The Governor shall be elected by the qualified electors of the State at the time and places of voting for the members of the Legislature, and shall hold his office for four years from the time of his installation, but shall not be eligible for re-election to the said office the next succeeding term ; *Provided*, That the first election for Governor under this Constitution shall be had at the time and places of voting for members of the Legislature and State officers, in the year of our Lord one thousand eight hundred and eighty-eight, and the term of office of the Governor then elected shall begin on the day of the assembling of the Legislature chosen at such election.

SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been ten years a citizen of the United States, and five years a citizen and resident of the State of Florida next preceding the time of his election.

SEC. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they shall be called into the service of the United States.

SEC. 5. He shall transact all Executive business with the officers of the government, civil and military, and may require information in writing from the administrative officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 6. He shall take care that the laws be faithfully executed.

SEC. 7. When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission for the unexpired term.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall in his proclamation state the purpose for which they are to be convened, and the Legislature when organized shall transact no legislative business other than that for which they are especially convened, or such other legislative business as the Governor may call to their attention while in session, except by a two-thirds vote of each house.

SEC. 9. He shall communicate by message to the Legislature at each regular session, and at the close of his official term, to the next Legislature, information concerning the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided it is not beyond the time fixed for the meeting of the next Legislature.

SEC. 11. The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, dating from the time of conviction, for all offences, except in cases of impeachment. In case of conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the Legislature shall fail or refuse to make disposition of such case, the sentence shall be enforced at such time and place as the Governor may by his order direct. The Governor shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted or reprieved, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve.

SEC. 12. The Governor, Justices of the Supreme Court, and Attorney-General, or a major part of them, of whom the Governor shall be one, may, upon such conditions, and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment, and grant pardons after conviction, in all cases, except treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

SEC. 13. The Governor may, at any time, require the opinion of the Justices of the Supreme Court, as to the interpretation of any portion of this Constitution upon any question affect-

ing his Executive powers and duties, and the Justices shall render such opinions in writing.

SEC. 14. All grants and commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. All officers who shall have been appointed or elected, and who are not liable to impeachment, may be suspended from office by the Governor for malfeasance or misfeasance, or neglect of duty in office, for the commission of any felony, or for drunkenness or incompetency, and the cause of suspension shall be communicated to the officer suspended and to the Senate at its next session. And the Governor, by and with the consent of the Senate, may remove any officer, not liable to impeachment, for any cause above named. Any suspension shall continue until the adjournment of the next session of the Senate, unless the officer suspended shall, upon the recommendation of the Governor, be removed, but the Governor may reinstate said officer so suspended upon satisfactory evidence that the charge or charges against such officer are untrue. If the Senate shall refuse to remove, or fail to take action before its adjournment, the officer suspended shall resume the duties of the office. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended. No officer suspended who shall under this section resume the duties of his office, shall suffer any loss of salary or other compensation in consequence of such suspension. The suspension or removal herein authorized shall not relieve the officer from indictment for any misdemeanor in office.

SEC. 16. The Governor shall, by and with the consent of the Senate, appoint all commissioned officers of the State Militia, including an Adjutant-General for the State. The Adjutant-General shall be the chief officer of the Governor's staff, with the rank of Major-General. His duties and compensation shall be prescribed by law; *Provided*, That this Constitution shall work no vacancy in the office of Adjutant-General, as now constituted, until the expiration of the present term.

SEC. 17. The Governor and the administrative officers of the Executive Department shall constitute a Board of Commissioners of State Institutions, which Board shall have supervision of all matters connected therewith, in such manner as shall be prescribed by law.

SEC. 18. The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill ap-

proved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

SEC. 19. In case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the powers and duties of the Governor shall devolve upon the President of the Senate for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the President of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives. But should there be a general election for members of the Legislature during such vacancy, an election for Governor to fill the same shall be had at the same time.

SEC. 20. The Governor shall be assisted by administrative officers, as follows: A Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction and Commissioner of Agriculture, who shall be elected at the same time as the Governor, and shall hold their offices for the same term; *Provided*, That the first election of such officers shall be had at the time of voting for Governor in the year of our Lord one thousand eight hundred and eighty-eight.

SEC. 21. The Secretary of State shall keep the records of official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall be the custodian of the Great Seal of the State. He shall also have charge of the Capitol building and grounds and perform such other duties as shall be prescribed by law.

SEC. 22. The Attorney-General shall be the legal adviser of the Governor, and of each of the officers of the Executive Department, and shall perform such other legal duties as may be provided by law. He shall be Reporter for the Supreme Court.

SEC. 23. The Comptroller shall examine, audit, adjust and settle the accounts of all officers of the State, and perform such other duties as may be prescribed by law.

SEC. 24. The Treasurer shall receive and keep all funds, bonds, or other securities, in such manner as may be provided by law, and shall disburse no funds, bonds, or other securities, except upon the order of the Comptroller, countersigned by the Governor, in such manner as shall be prescribed by law.

SEC. 25. The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruc-



tion ; the supervision of State buildings devoted to educational purposes, and other duties as the Legislature may deem proper for him to perform.

SEC. 26. The Commissioner of Agriculture shall perform such duties in relation to agriculture as may be prescribed by law ; shall have supervision of all matters pertaining to the public lands under regulations prescribed by law, and shall keep the Bureau of Immigration. He shall also have supervision of the State Prison, and shall perform such other duties as may be prescribed by law.

SEC. 27. Each officer of this department shall make a full report of his official acts, of the receipts and expenditures of his office, and of the requirements of the same, to the Governor at the beginning of each regular session of the Legislature, or whenever the Governor shall require it. Such reports shall be laid before the Legislature by the Governor at the beginning of each regular session thereof. Either house of the Legislature may at any time call upon any officer of this department for information required by it.

SEC. 28. The Governor and administrative officers of the Executive Department shall be installed on the first day of the meeting of the Legislature after their election.

Article IV, as reported by the committee, was read.

Section 1 was read and adopted without amendment.

Section 2 was read.

Mr. Rogers offered to amend as follows :

Strike out "biennial" in the first line and insert the word "annual."

Mr. Walter moved to lay the amendment on the table ;

Which was not agreed to.

The question was upon Mr. Rogers' amendment to strike out biennially and insert annually.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Broome, Chandler, Coker, Conover, Fowler, Gibbs, Goodbread, Goss, Hunter, Ives, Johnston, Lesley, Mann, Miller, Mitchell, Rogers, Sanchez, Thompson, Tolbert, Tompkins, Walker, Jr., Wall, Westcott and Zipperer—25.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Bush, Campbell, Carter, Carr, Carson, Challen, Clark of Jackson, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hargret, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCas-



kill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—75.

So the amendment was lost.

Mr. McClellan offered to amend as follows :

Strike out "January" and insert "April."

Mr. Tolbert offered to amend the amendment as follows :

Strike out "January" and insert "November."

Mr. Maxwell moved the previous question ;

Which was ordered.

The question was upon the amendment offered by Mr. Tolbert :

Which was not agreed to.

The question was then upon the amendment offered by Mr. McClellan.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Bush, Carson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Fogarty, Fowler, Genovar, Gibbs, Gillis, Hausman, Hendley, Henderson, Hocker, Hope, Humphries, Ives, Johnston, Jones, Lesley, Lewis, Lutterloh, Marshall, Miller, Morgan, McClellan, Orman, Parker, Parkhill, Parsons, Paterson, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Sheats, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Westcott, Wylly and Yonge—58.

Nays—Messrs. Bell of Hamilton, Bethel, Campbell, Carter, Carr, Challen, Chandler, Earle, Edge, Goodbread, Goss, Green, Hargret, Hatch, Herndon, Hicks, Hunter, Landrum, Malone, Mann, Maxwell, Mitchell, McCaskill, Neel, Odom, Oliveros, Pelot, Robertson, Rogers, Rowe, Sanchez, Scott, Swearingen, Taylor, Tolbert, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—41.

So the amendment was agreed to and declared adopted.

Mr. Challen offered to amend as follows :

Insert "May" instead of January ;"

Which was not agreed to.

Mr. Miller offered to amend as follows :

Add to Section 2, Section 25, which reads as follows : "Regular sessions of the Legislature may extend to sixty days, but

any special session convened by the Governor shall not exceed twenty days ;"

Which was agreed to.

Mr. Mann offered the following amendment :

Add to section 2 "the pay of any member for each regular session shall not exceed \$250 and mileage."

Mr. McCaskill offered to amend as follows :

Strike out in section 2 "sixty" and insert "forty."

Mr. Tompkins moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blount, Broome, Bush, Carter, Carr, Chandler, Coker, Cook, Davidson, Davis, Duncan, Fowler, Gibbs, Gillis, Hargret, Hatch, Hausman, Hendley, Hicks, Hocker, Hope, Humphries, Ives, Lewis, Love, Malone, Maxwell, Miller, Mitchell, Morgan, McClellan, Parker, Parsons, Pelot, Petty, Rogers, Rowe, Sanchez, Sheats, Swearingen, Taylor, Thompson, Tompkins, Turnbull, Walter, Wellman and Yonge—52.

Nays—Messrs. Blackburn, Campbell, Carson, Challen, Clark of Jackson, Conover, Earle, Fogarty, Genovar, Goodbread, Goss, Green, Henderson, Herndon, Hunter, Jones, Landrum, Lesley, Lutterloh, Mann, Marshall, Milton, McCaskill, Neel, Odom, Orman, Parkhill, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Scott, Stone, Tedder, Tolbert, Wadsworth, Walker, Jr., Wall, Weeks, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Zipperer—46.

So the motion to lay on the table was agreed to.

The question was then upon the adoption of Section 2 as amended ;

Which was agreed to, and the section was passed.

Mr. Tompkins was indefinitely excused on account of sickness.

Mr. Bethel moved to adjourn until 9 o'clock A. M. to-morrow ;

Which was agreed to, and the Convention was so adjourned.

## FIFTEENTH DAY.

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FRIDAY, JUNE 26, 1885.

The Convention met pursuant to adjournment.

President Pasco in the Chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—103.

A quorum present.

Prayer by the Chaplain.

Mr. Fowler moved to dispense with the reading of the Journal ;

Which was agreed to.

The Journal was corrected and approved.

On motion of Mr. Yonge, Mr. Fogarty was added to the Committee on County, Township and City Organization, in place of and until the return of Mr. Monsalvatge, who is temporarily absent.

Mr. Maxwell asked leave to have the report offered by him on yesterday include the amendment offered by Mr. Walker.

The roll of counties being called the following Ordinances and Articles were introduced, read and referred to appropriate committees :

By Mr. Hicks, Article No. 54: Declaring ministers of the Gospel ineligible to the Legislature ;

Which was referred to the Committee on Preamble and Bill of Rights.

By Mr. Marshall, Ordinance No. 55 : Asserting the right of the State to regulate freights, tolls, wharfage and fares, and giving the Legislature the power to appoint Commissioners for that purpose ;

Which was referred to Committee on Private Corporations.

#### REPORTS OF COMMITTEES.

The roll of committees being called, the following reports were handed in :

Mr. Orman, Chairman of the Committee on Homesteads and Exemptions, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 26, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Homestead and Exemptions, to whom was referred —

Article No. 3, introduced by Mr. Sanchez, of the Thirteenth Senatorial District, in relation to homestead and exemptions ; Ordinance No. 5, by Mr. Taylor, of Alachua, relating to homestead exemptions ; Ordinance No. 15, by Mr. Mitchell, of Leon, in relation to homestead exemptions and the rights of married women ; Ordinance No. 25, by Mr. Morgan, of Suwannee, in reference to homestead and exemptions ; Resolution No. 44, by Mr. Carter, of Levy, relating to homestead and exemption ; Resolution No. 49, by Mr. Mann, of Hernando, relative to homestead exemptions ; Ordinance No. 50, by Mr. Walter, of Duval, relative to homestead ; Resolution No. 81, by Mr. Hicks, of Franklin, defining the homestead and exemptions : Resolution No. 90, by Mr. Tolbert, of Columbia, relative to homestead exemption ; Resolution No. 94, by Mr. Lutterloh, of Levy, in reference to homestead ; Article No. 111, by Mr. Coker, of Jackson, on homestead and exemption, we report as having carefully examined and considered all of said articles, ordinances and resolutions, and as having incorporated such parts of each of them as coincided with our views in the Article No. 6, on homestead and exemptions, prepared by us, and herewith submitted to the Convention. We respectfully refer all of said articles, ordinances and resolutions back to the Convention, and recommend that our said Article No. 6 be adopted as a substitute for them as a whole, and ask to be discharged from the further consideration thereof.

Very respectfully,

W. T. ORMAN,  
Chairman Committee.



## ARTICLE VI.

## HOMESTEAD EXEMPTION.

SECTION 1. A homestead embracing not exceeding one hundred and sixty acres of land, held for agricultural purposes and for residence by the owner or holder thereof, or not exceeding one-half of one acre within the limits of an incorporated city or town, held by any person residing in this State and occupied by him or her as a home for himself or herself and family, and the improvements thereon shall be exempt from forced sale under process of any court except as hereinafter mentioned, and the same shall not be alienable unless by the consent of both husband and wife, when such relation exists. The improvements exempted within a city or town shall include one dwelling-house of the holder and his or her family, with the appurtenances thereto, and no judgment or decree shall be a lien upon any exempted property except as provided in this Article.

SEC. 2. There shall also be exempted from such forced sale to every head of a family or householder residing in this State, personal property to the value of one thousand dollars, to be selected in a manner provided by law.

SEC. 3. No property mentioned in this article shall be exempted from sale for taxes or assessments thereon, or for the payment of debts contracted for the purchase of such real or personal property, or for the erection or repair of buildings or improvements thereon, or for labor performed on the premises.

SEC. 4. Nothing in this Article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage, duly executed by himself or herself, and by husband and wife, if such relation there be.

SEC. 5. The benefit of the exemptions mentioned in this Article shall inure in favor of the widow and minor children of the owner or holder, who shall be seized of the same at the death of the owner or holder in their own right in common.

SEC. 6. The exemptions provided for in the Constitution of this State adopted in 1863 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

SEC. 7. The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article;

Which was received, and the accompanying papers placed among the orders of the day.

Also the following:



CONVENTION HALL, TALLAHASSEE, FLA., June 26, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Married Women's Property, to whom was referred—

Resolution No. 9, introduced by Mr. Blount, of Escambia, defining the rights and liabilities of a married woman; and Resolution No. 78, by Mr. Morgan, of Suwannee, in relation to property of married women, we report that we have given said resolutions due consideration, and now refer them back to the Convention, and recommend as a substitute therefor the Article No. VII, prepared by us, and herewith submitted; and respectfully ask to be discharged from further consideration of the subject.

Very respectfully,

W. T. ORMAN, Chairman.

## ARTICLE VII.

### MARRIED WOMEN'S PROPERTY.

SECTION 1. All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing executed according to the law respecting conveyances by married women.

SEC. 2. A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents, and profits thereof sequestrated for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings or repairs or improvements upon her property, or for agricultural or other labor bestowed thereon.

SEC. 3. The Legislature shall enact such legislation as shall be necessary to carry into effect this Article;

Which was received and the accompanying papers placed among the orders of the day.

Article IV was taken up.

Section 3 was read.

Mr. Bush offered to amend as follows:

Strike out in first line "biennially" and insert "every four years."

In third line strike out the word "second" and insert "fourth;"

Which was not agreed to.

Section 3 was then passed as reported by the committee.

Section 4 was read.

The question was upon the adoption of the Section.

Mr. Baker moved to pass over Section 4 for the present;

Which was agreed to.

Section 5 was read.

The question was upon the adoption of the Section.

Mr. Miller offered to amend as follows:

Strike out in Section 5 the words "in the respective counties and districts which they represent," and add in lieu thereof the words "of the State."

Mr. Bethel moved to lay the amendment on the table;

Which was agreed to.

Mr. Pelot offered to amend as follows:

After the word "represent," on second line, insert "*Provided*, That no person shall be eligible to the office of Senator or Representative, unless such person shall have been a resident of the State for three years and of the district or county of which he may be elected for one year next preceding such election;"

Which was not agreed to.

Mr. Blackburn offered to amend as follows:

In 3d line, in place of "not exceed six," read "be five."

Mr. Baker offered to amend the amendment as follows:

Strike out "five" and insert "six."

The question was on the adoption of the amendment to the amendment.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Carr, Gibbs and Miller—4.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Mitchell, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone,

Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—101.

So the amendment to the amendment was not agreed to.

Mr. Mann offered the following amendment to the amendment :

Strike out " 5 " and insert " 4 ;"

Which was not agreed to.

Mr. Maxwell offered to amend the amendment as follows :

Strike out " not exceed " and insert " not be less than four nor more than six ;"

Which was not agreed to.

The question reverted to the amendment offered by Mr. Blackburn.

Mr. Sheats moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bennett, Bethel, Broome, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Davidson, Davis, Earle, Fogarty, Fowler, Gibbs, Gillis, Goodbread, Green, Hargret, Hausman, Hendley, Hocker, Hope, Humphries, Johnston, Jones, Love, Lutterloh, Malone, Marshall, Maxwell, Mitchell, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randell of Madison, Randolph, Robertson, Rogers, Sanchez, Scott, Sheats, Taylor, Thompson, Tompkins, Turnbull, Weeks, Wilson of Clay, Wyly and Yonge—56.

Nays—Messrs. Bell of Brevard and Dade, Blackburn, Blount, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Duncan, Edge, Genovar, Goss, Hatch, Henderson, Herndon, Hicks, Hunter, Ives, Landrum, Lesley, Miller, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Randall of Duval, Richard, Rowe, Speer, Stone, Swearingen, Tedder, Tolbert, Wadsworth, Walker, Jr., Wall, Walter, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee and Zipperer—45.

So the motion to lay on the table was agreed to.

Mr. Morgan offered to amend as follows :

In the third line after the word " exceed," strike out " six " and insert " five ;"

Which was not agreed to.

Mr. Milton offered the following amendment :

Strike out " six dollars " and insert " three," in line three of Section 5.

Mr. Gibbs moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Davidson, Davis, Duncan, Earle, Fogarty, Fowler, Gibbs, Gillis, Goodbread, Green, Hargret, Hausman, Hendley, Henderson, Herndon, Hicks, Hope, Humphries, Hunter, Johnston, Lewis, Lutterloh, Malone, Marshall, Maxwell, Mitchell, Morgan, Neel, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randell of Madison, Randolph, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walter, Wellman, Whitmire, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—73.

Nays—Messrs. Campbell, Clarke of Jefferson, Cook, Edge, Genovar, Goss, Hatch, Hocker, Ives, Jones, Landrum, Lesley, Love, Mann, Miller, Milton, McCaskill, McClellan, Odom, Oliveros, Richard, Robertson, Swearingen, Turnbull, Walker, Jr., Wall, Weeks, Westcott and Wilson of Clay—30.

So the motion to lay upon the table was agreed to.

Mr. Bush offered the following amendment:

In line 3 strike out "six" and insert "five;"

Which was withdrawn.

Mr. Lutterloh offered the following amendment:

In Section 5 strike out in line 3 "shall not exceed six dollars per day for each day of session," and insert "shall be four hundred dollars for each session;"

Which, upon motion, was laid upon the table.

Mr. Mann offered the following amendment:

Section 5, line 3, strike out "six" and insert "3;"

Which was withdrawn.

Mr. Turnbull offered the following:

In line 3 strike out "six" and insert "four," and in line 4 strike out "ten cents" and insert "five cents per mile each way;"

Which was laid upon the table.

Mr. Parkhill offered the following:

Strike out "ten cents per mile" and insert "five cents per mile;"

Which was not agreed to.

Mr. Jones offered the following:

In line 4 strike out "each" and insert "one;"

Which was not agreed to;

Mr. Orman offered the following amendment:

Strike out "six," in line 3, and insert "five;"

Which was withdrawn.

Mr. Paterson offered the following amendment :

Insert in place of "not exceed six," "shall not exceed four ;"

Which, upon motion, was laid upon the table.

Mr. Malone offered the following amendment :

Amend Section 5 by adding : *Provided*, That the per diem of any Senator or member of the Assembly shall not exceed two hundred and fifty dollars at any one session of the Legislature ;

Which was not agreed to.

Mr. Bethel moved that Section 4, as reported by the committee, be adopted, and moved the previous question.

The previous question was ordered.

The Convention proceeded to consider amendments without debate.

Mr. Turnbull offered the following amendment :

After "represent" in line 2, insert "provided they have paid all poll or per capita tax that may have been assessed against them ;"

Which was not agreed to.

Mr. Conover offered the following amendment :

Strike out all after the word "represent," in line two ;

Which was not agreed to.

Mr. Mann offered the following amendment :

In line 3, after "exceed," strike out "six dollars per day for each day of" and insert "\$300 for ;"

Which was not agreed to.

Mr. Parsons offered the following amendment :

Shall be allowed the same per diem pay as the members of this Convention shall receive ;

Which was not agreed to.

Mr. Clarke, of Jefferson, offered the following amendment :

Strike out all after "represent" in 2d line ;

Which was withdrawn.

Mr. Speer offered the following amendment :

In line 3, after the word "Assembly" insert "members of this Convention shall be five dollars per day ;"

Which was withdrawn.

Mr. Earle offered the following amendment :

*Provided*, That no member shall be entitled to mileage except upon oath or affirmation that he has not received a free pass or discount on the fare usually paid by the public generally.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Hamilton, Bennett, Bethel, Black-



burn, Bush, Campbell, Carter, Carson, Clark of Jackson, Coker, Conover, Cook, Davis, Duncan, Earle, Edge, Genovar, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Hocker, Hunter, Ives, Jones, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, McCaskill, McClellan, Neel, Parkhill, Parsons, Randall of Duval, Randolph Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Walker, Jr., Wall, Weeks, Whitmire, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—63.

Nays—Messrs. Baker, Bell of Brevard and Dade, Blount, Broome, Carr, Challen, Chandler, Clarke of Jefferson, Davidson, Fogarty, Fowler, Gibbs, Gillis, Hargret, Herndon, Hicks, Hope, Humphries, Johnston, Lesley, Lewis, Mann, Morgan, Oliveros, Orman, Parker, Paterson, Pelot, Petty, Randell of Madison, Taylor, Turnbull, Wadsworth, Walter, Wellman, Westcott, Wylly and Yonge—38.

So the amendment was adopted.

Mr. Walker offered the following amendment :

After represent, in line 2, insert : “ The first Legislature assembled under this Constitution shall provide for the pay of members of the Legislature, and no Legislature shall increase its own pay ;”

Which was not agreed to.

Mr. Chandler offered the following amendment :

In line 3 strike out the words “ for each day of session ;”

Which was not agreed to.

Mr. Maxwell offered the following amendment :

Strike out “ which they represent ” and insert therefor the words “ for which they are chosen ;”

Which was agreed to.

Mr. Parkhill offered the following amendment :

Strike out all of Section 5 after the word “ session ;”

Which was not agreed to.

Mr. Carson offered the following amendment :

Members of the Legislature shall receive not exceeding five dollars per diem and mileage ten cents to and from their respective homes, the estimate being made the most direct route to the capital ;

Which was not agreed to.

Mr. Mann offered the following amendment :

Strike out “ mileage ” and insert “ fare actually paid ;”

Which was not agreed to.

Section 5 was then passed as amended.

Section 6 was read.

Mr. Bethel moved the adoption and called the previous question.

The question was, Shall the previous question be put?

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bethel, Challen, Duncan, Genovar, Gillis, Hendley, Henderson, Herndon, Hicks, Lesley, Love, McClellan, Odom, Parkhill, Parson, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Wadsworth, Wall, Weeks, Wilson of Clay and Wylly—32.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Bush, Campbell, Carter, Carr, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davis, Earle, Edge, Fogarty, Fowler, Gibbs, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hocker, Humphries, Hunter, Ives, Johnston, Jones, Lewis, Landrum, Lutterloh, Malone, Mann, Marshall, Miller, Milton, Mitchell, Morgan, McCaskill, Neel, Orman, Parker, Randall of Duval, Robertson, Rowe, Sanchez, Sheats, Thompson, Tolbert, Turnbull, Walker, Jr., Westcott, Whitmire, Wilson of Polk and Manatee, Yonge and Zipperer—61.

So the previous question was not ordered.

Mr. Marshall offered the following amendment :

Strike out in line 2 the words, "including a President of the Senate ;"

Which was adopted.

Mr. Miller offered the following amendment :

Add after the word "Senate," in second line of Section 6, the words "who shall, in the event of the death, impeachment or disqualification of the Governor, become Governor ;"

Which was withdrawn.

Mr. Mann offered the following amendment :

Strike out "present" in line 4, Section 6 ;

Which was agreed to.

Mr. Goss offered the following amendment :

Strike out the word "elections," in first line, and add to the section the words "the courts may be vested with power to decide contested elections of members of the Legislature ;"

Which was not agreed to.

Mr. Blackburn offered the following substitute for Section six :

The Assembly shall elect a Speaker from its own body, and the Senate shall elect a President from its own body, who shall be their presiding officers respectively, each House shall judge of the qualifications, elections and returns of its own members,

choose its own officers, determine rules of its proceedings, and punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members present expel a member.

Mr. Orman offered the following :

Strike out the word "punish," in amendment and insert "reprimand ;"

Which was not agreed to.

The question was then upon the adoption of the substitute offered by Mr. Blackburn.

Mr. McClellan moved to insert the word "present" after the word "member" in last line ;

Which was agreed to.

Mr. Mitchell offered the following amendment :

Add after the word "rule," "so far as they do not conflict with the provisions of this Constitution ;"

Which was tabled.

Mr. Hocker offered the following amendment to the substitute :

"Each of whom shall be eligible for the office of Governor ;"

Which was accepted.

Mr. Malone offered the following amendment as a substitute :

"Who shall be styled Speaker of the House of Representatives ;" "who shall be styled President of the Senate."

Pending consideration Mr. Landrum moved to recommit Section 6 and proposed amendments to the Committee on Legislative Department ;

Which was agreed to.

Mr. Pelot offered the following additional section :

SECTION —. No person holding a lucrative office or appointment, under the United States or of this State, shall be eligible to a seat in the General Assembly of this State ;

Which was referred to Committee on Legislative Department.

Section 7 was read.

Mr. Swearingen offered the following amendment :

After "presence" in second line, insert "or a refusal to obey its lawful summons ;"

Which was agreed to.

Mr. Turnbull offered the following amendment.

In line 1 after the word "by," insert "fine or imprisonment ;"

Which was agreed to.

Mr. Parkhill moved to amend as follows :

Strike out all after the word "beyond," and insert "one day ;"

Which was not agreed to.

Section 7 was then passed as amended.

Mr. Blount offered the following additional Section :

SEC. 8 Either House shall have power to compel the attendance of witnesses upon any investigation held by itself or by any of its committees; the manner of the exercise of such power shall be provided by law ;

Which was read and adopted.

Section 8 was read and adopted without amendment.

Section 9 was read.

Mr. Blount moved to refer the entire section to the Committee on Suffrage and Eligibility ;

Which was agreed to.

Section 10 was read.

Mr. Maxwell moved to amend as follows :

Strike out " three " and insert " five, ' in line 3, Section 11, Article IV.

Mr. Bush moved to lay the amendment on the table ;

Which was not agreed to.

The question was then upon the adoption of the amendment ;

Which was agreed to, and Section 10, as amended, was passed.

Section 11 was read.

Mr. Sheats offered the following amendment :

Strike out " they " and " their " in the last line and insert " it " and " its " respectively ;

Which was not agreed to, and Section 11 was passed as read.

Section 12 was read and passed without amendment.

Section 13 was read.

Mr. Clarke, of Jefferson, moved to strike out the word " Assembly " and insert the words " House of Representatives," wherever it may occur ;

Which was not agreed to.

Mr. Love moved to amend as follows :

Strike out " the people of the State of Florida represented in the Senate and Assembly do enact as follows "—" Be it enacted by the Legislature of the State of Florida ;"

Which was agreed to, and section 13 was passed as amended.

Section 14 was read.

Mr. Marshall offered to amend as follows :

*Provided*, That this section shall not apply to any act of the Legislature providing for a general revision of the laws ;

Which was not agreed to.

Section 14 was then passed, as read.

Section 15 was read.

Mr. Miller offered to amend as follows :

Add after the word "rule," the words "by yeas and nays duly entered upon the Journal ;"

Mr. Hicks moved to lay the amendment on the table ;

Which was not agreed to.

The question was upon the adoption of the amendment offered by Mr. Miller.

The amendment was lost.

Mr. Blount offered the following amendment :

After the word "house" in fifth line, insert "*provided*, that any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote;"

Which was agreed to.

Section 15 was passed as amended.

Mr. Conover offered the following as an additional rule :

That when any amendment shall be proposed to any article or section of the Constitution under consideration it shall be disposed of before any additional amendment shall be received or considered ;

Which was not agreed to.

Mr. Marshall gave notice that he would on to-morrow move a reconsideration of the vote by which Section 2 of Article IV was passed.

Mr. Sheats gave notice that he would on to-morrow move a reconsideration of the vote by which Section 11, Article IV, was passed.

Mr. Carter was excused until Tuesday.

Messrs. Parkhill, Morgan, Gibbs, Miller, Chandler, Goss, Herndon, Lewis and Petty were excused until Monday.

Upon motion of Mr. Baker, the Convention adjourned until 9 o'clock A. M. to-morrow.

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## SIXTEENTH DAY.

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SATURDAY, JUNE 27, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :



Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carr, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Goss, Green, Hatch, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—84

A quorum present.

Prayer by the Chaplain.

Mr. Hatch moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected so as to show that Messrs. Lewis and Petty were excused on yesterday until Tuesday.

The Journal was otherwise corrected and approved.

Mr. Hicks offered the following resolution :

WHEREAS, In so important a matter as the one now before us—the revision of the entire Constitution—it is desirable that every member of this body should put himself upon record in regard to the same, that his constituents, and the whole State, may know the individual views of the members ; therefore, be it

*Resolved*, That every member of this house, from the President down, shall vote when his name is called, if in his seat, unless excused therefrom by a vote of the house ;

Which was read.

Mr. Milton moved that the rules be waived and the resolution be immediately considered ;

Which was agreed to.

The question was upon the adoption of the resolution.

Mr. Sheats moved to strike out so much of the resolution as relates to the President.

Mr. Rogers moved to lay the resolution on the table ;

Which was agreed to.

Mr. Johnston offered the following resolution, and moved that rules be waived for the immediate consideration of the resolution :

*Resolved*, That after to-day the sessions of this Convention be from 9 A. M. to 1 P. M., and from 8 P. M. until 10 P. M.

The question was upon the suspension of the rules ;

Which was not agreed to, and the resolution was laid over under the rule.

Mr. Hope offered the following resolution :

*Resolved*, That after Tuesday 30th, no new matter shall be received in this Convention that has to be referred to any of the standing committees ;

Which was laid over under the rule.

The roll of counties being called, the following ordinances and articles were introduced, read and referred to appropriate committees :

By Mr. Wall, Article No. 56 : Providing for corporal punishment in certain cases ;

Which was referred to Committee on Miscellaneous Provisions.

Mr. Milton, Chairman on Preamble and Bill of Rights, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Preamble and Bill of Rights, to whom was referred—

Article LIV, introduced by Mr. Hicks, of Franklin, in reference to Ministers of the Gospel not being eligible to a seat in either branch of the Legislature, would respectfully state that they are in favor of the Article, but it is a matter which properly belongs to the Committee on Legislative Department, and ask that it be submitted to said committee for consideration.

Respectfully submitted,

W. H. MILTON, Chairman.

Which was received and the matter alluded to referred as suggested.

Mr. Bethel, Chairman of the Committee on Legislative Department, made the following report :

CONVENTION HALL,  
TALLAHASSEE, FLA., June 27, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Legislative Department, to whom was referred back for further report Section six (6) of Article

four (IV), heretofore reported to the Convention by this committee, beg leave to report that they have duly reconsidered the same in the light of the various amendments offered and discussed in Convention, and now beg leave to recommend to the Convention the adoption of the following in lieu of the said section heretofore reported by this committee, viz :

SEC. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session thereof, choose from among its own members a permanent President of the Senate, who shall be its presiding officer. The Assembly shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct; and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

Your committee would further recommend to the Convention as being closely germane to the subject of the foregoing section, and in order that the Constitution may be consistent throughout one part with another, that the following amendment to Section three (3) of Article five (V), (Executive Department) should be adopted, viz :

At the end of Section 3 of Article V add the following: "*Provided*, That these limitations of time shall not apply to the President of the Senate or Speaker of the House of Representatives when, under this Constitution, the powers and duties of Governor shall devolve upon them."

Your committee would further recommend the adoption of additional section offered by J. C. Pelot.

Very respectfully,

L. W. BETHEL,  
Chairman of Committee.

Which was received, and the accompanying papers placed among the orders of the day.

Also the following minority report :

CONVENTION HALL, TALLAHASSEE, FLA., June 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your committee to whom was referred for further consideration, Section 6 of Article IV, beg leave to submit a minority report, and recommend the adoption of the following section :

SECTION 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers and determine the rules of its proceedings. The Assembly shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct, and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

The minority report further recommends that Article Five (5) be reconsidered for the purpose of incorporating therein a provision for the office of Lieutenant-Governor, who shall be President of the Senate.

Respectfully,

H. H. DUNCAN.

Which was read and placed among the orders of the day.

Mr. Oliveros, Chairman of the Committee on Enrollment and Engrossment made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., June 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Engrossment and Enrollment, to whom was referred—

Article No. V, beg to report that they have carefully compared the same and find it properly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

SAMUEL E. HOPE,

H. H. DUNCAN, Committee.

Which was received and the accompanying papers placed among the orders of the day.

Mr. Wylly, Chairman of Committee on Public Health, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., June 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Public Health, to whom was referred all questions relating to this and kindred subjects, beg leave to report as follows:

## ARTICLE — .

### PUBLIC HEALTH.

SECTION 1. The Legislature shall incorporate a Florida State Medical Association with the powers usually conferred upon such bodies.

SEC. 2. The Legislature shall establish a State Board of Health. There shall be five members thereof, of whom three shall be physicians and members of the State Medical Association. They shall be appointed by the Governor with the consent of the Senate and shall hold office as follows: Two physicians and one civilian shall be appointed for four years after the adoption of this Constitution, and one physician and one civilian to be appointed at the same time for two years, and all succeeding appointments shall be appointed for four years.

SEC. 3. The State Board of Health shall have supervision of all matters relating to public health, vital statistics, quarantine, the examination of persons desiring to practice medicine in this State, to the extent and in the manner provided by law.

SEC. 4. The Legislature shall establish County Boards of Health in counties where it may be deemed necessary. They shall have such powers, and be under the supervision of the State Board of Health to such an extent as the Legislature may provide.

SEC. 5. The Legislature shall provide for the maintenance of such State Board and County Boards of Health.

Very respectfully,

KING WYLLY,  
Chairman Committee.

Which was received, and the accompanying papers laid over until Monday.

Article X, on Public Institutions, was read the first time by its title, and passed for a second reading on Monday.

Article VI, on Homestead Exemptions, was read the first time by its title and passed for a second reading on Monday.

Article VII, on Married Women's Property, was read the first time by its title, and passed for a second reading on Monday.

The consideration of Article IV was resumed.

Mr. Maxwell moved to reconsider the vote by which section 5 was amended and passed on yesterday.

The question was upon the reconsideration of the section as amended and passed.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bethel, Blackburn, Blount, Broome, Campbell, Clarke of Jefferson, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Fowler, Gillis, Goodbread, Goss, Henderson, Hocker, Hope, Humphries, Johnston, Jones, Landrum, Lesley, Love, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mc-



Caskill, McClellan, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Randall of Duval, Scott, Speer, Taylor, Tedder, Turnbull, Wadsworth, Walter, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Wylly and Yonge—55.

Nays—Messrs. Bell of Hamilton, Bennett, Bush, Carr, Carson, Challen, Clark of Jackson, Coker, Conover, Earle, Genovar, Green, Hargret, Hatch, Hendley, Hicks, Hunter, Ives Luterloh, Mitchell, Neel, Odom, Randolph, Richard, Rogers, Sanchez, Sheats, Stone, Swearingen, Thompson, Tolbert, Walker, Jr. Wall, Weeks, Wilson of Clay and Zipperer—37.

So the motion to reconsider was agreed to.

The Section was declared open for amendment.

Mr. Earle asked leave to withdraw the amendment offered by him on yesterday ;

Which was granted, and the amendment was withdrawn.

Mr. Randolph offered the following amendment :

Strike out "and mileage to and from their homes to the seat of government" so as to read "from their homes to the seat of government and return."

Mr. Mann offered to amend the amendment as follows :

Strike out "mileage" and insert "expense actually paid."

Mr. McClellan moved to lay the amendment to the amendment on the table ;

Which was agreed to.

The question was on the amendment offered by Mr. Mann ;

Which was not agreed to.

Mr. McClellan offered the following amendment :

Add to the section "by the nearest and most practicable route ;"

Which was agreed to.

Mr. Conover offered the following amendment :

Amend by inserting "20 cents a mile one way ;"

Which was not agreed to.

Mr. Bush offered the following amendment :

Amend by adding after fourth line: "*Provided*, That the Legislature shall have power to expel any member using a free pass on any railroad or canal, or other public transportation line in this State ;"

Which was read.

Mr. Parsons offered the following :

"Same mileage as received by the members of the Convention."

Mr. Love moved that Section 5, as reported by the committee and amended, be adopted, and moved the previous question.

The question was, Shall the previous question be now put?

Which was agreed to, and the previous question was ordered.

The question was upon the adoption of Section 5, as amended;

Which was agreed to, and Section 5, as amended, was passed.

Section 6 was read, as reported by the Committee on Legislative Department this morning.

Upon motion of Mr. Baker, the further consideration of Section 6 was informally passed for the purpose of giving the minority of the committee time to amend their report.

Additional Section —, as offered by Mr. Pelot on yesterday, was read, as follows:

“No person holding a lucrative office or appointment under the United States, or of this State, shall be eligible to a seat in the General Assembly of this State.

Mr. Malone offered to amend by striking out the word “lucrative;”

Which was not agreed to.

The question was upon the adoption of the additional section as read;

Which was agreed to, and the section was passed.

Section 16 was read, and passed without amendment.

Section 17 was read.

Mr. Marshall offered the following amendment:

Amend Article IV, section 17, as follows: Strike out in line three the words “except municipal officers” and insert, “except those of towns and cities of more than two thousand inhabitants;” also, in line four, strike out the words “except municipal courts;” also, add to the section at the end thereof the following: “exempting property from taxation; giving effect to informal or invalid deeds or wills; for incorporating railroads or other internal improvement companies.”

Mr. Baker moved the division of the amendment into clauses;

Which was agreed to, and the first clause was read.

Mr. Baker offered the following amendment to the first clause:

Strike out in Section 17, line three, “except municipal officers;”

Mr. Yonge moved to lay the amendment on the table;

Which was agreed to

Mr. Bush offered to amend the first clause as follows:

Strike out “towns and cities of more than 2,000 inhabitants;”

Which was not agreed to.

Mr. McClellan moved to lay the amendment offered by Mr. Marshall on the table ;

Which was agreed to.

The second clause of the amendment was read, and, upon motion, the clause was laid on the table.

The third clause was read, and, upon motion, the clause was laid on the table.

The fourth clause of the amendment was read as follows :

"Giving effect to informal and invalid deeds or wills."

Mr. McClellan moved its adoption ;

Which was agreed to.

The fifth clause was read, and, upon motion, the clause was laid on the table.

Mr. McClellan offered the following amendment:

In line 10 after the words "minors" strike out "or others," and insert "estates of descendants and of;"

Which was adopted.

Mr. Yonge offered the following amendment :

In lines 5 and 6 by striking out the following: "Town plats, streets, alleys and public squares;"

Which was read and adopted.

Mr. Blount offered the following amendment :

Add at the end of Section 17 the words "legitimizing illegitimate children, providing for the adoption of children and relieving minors from legal disabilities."

Mr. Rogers moved to amend the amendment by adding the words "and for the establishment of ferries;"

Which was agreed to, and the amendment as amended was adopted.

Mr. Campbell offered the following amendment :

Or relieving persons from the payment of judgments properly recovered in the courts of the country ;

Which was not agreed to.

Section 17, as amended, was then passed.

Section 18 was read.

Mr. Marshall offered the following amendment :

*Provided*, That no local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least sixty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be established in the Legislature before such act shall be passed ;

Which was adopted, and section 18, as amended, was passed.

Section 19 was read and passed without amendment.

Section 20 was read.

Mr. Johnston offered the following amendment:

Amend Article IV, Section 20, by inserting after the word "lotteries," "and the sale of lottery tickets."

The motion was to lay the amendment on the table;

Which was not agreed to.

Mr. Walker moved to strike out the entire section.

Mr. Bell offered the following substitute for the section:

"That the Legislature, by a two-thirds vote, to be approved by a majority vote of the entire vote of the qualified electors of the State, may grant a corporate franchise for any lottery or lotteries; *Provided*, That 20 per cent. of their net earnings be applied to the common school fund, and for charitable purposes."

The question was on the amendment offered by Mr. Johnston.

Which was not agreed to.

The question was then upon the substitute offered by Mr. Bell.

Mr. Fowler moved to lay the substitute on the table;

Which was agreed to.

The section was then passed.

Mr. Orman offered the following additional section:

The Legislature shall prohibit by law the granting of free passes by any railroad or transportation company to any officer of this State, legislative, executive or judicial.

Mr. Campbell offered the following substitute:

No judicial, executive or administrative officer of this State shall accept free of charge transportation from any corporation, person or persons engaged in the business of public carriers, nor shall members of the Legislature receive any transportation, free of charge, from any persons or corporations engaged in the business of public carriers, and the Legislature shall provide a penalty to be imposed upon any of said officers or members who shall accept such transportation.

Mr. Walter moved to lay both the additional section and the substitute on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Conover, Davidson, Duncan, Hatch, Hope, Humphries, Ives, Lesley, Mann, Maxwell, McClellan, Olveros, Paterson, Walker, Jr., Walter, Wellman and Wilson of Polk and Manatee—18.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carr, Carson, Challen, Clark of Jefferson, Clark of Jackson, Cook, Davis, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Green, Hargret, Hendley, Henderson, Hicks, Hocker, Hunter, Jones, Landrum, Love, Lutterloh, Malone, Marshall, Mitchell, McCaskill, Neel, Odom, Orman, Parker, Pelot, Randall of Duval, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Wall, Weeks, Whitmire, Wilson of Clay, Wyly, Yonge and Zipperer—64.

So the motion to lay on the table was not agreed to.

Mr. Turnbull moved that the Convention do now adjourn until Monday;

Which was not agreed to.

Messrs. Broome and Johnston were excused until Monday.

Mr. Blount was indefinitely excused on account of sickness in his family.

Mr. Milton was excused until Tuesday.

Messenger Myers was also excused on account of sickness.

The question was upon the adoption of the substitute offered by Mr. Campbell.

Mr. Baker offered the following amendment to the substitute:

“Nor shall they dine, sleep, smoke or drink with any member, officer, conductor or brakeman of any corporation, nor shall they talk with any of the members or representatives of a corporation, except in the presence of witnesses;”

Which, with the substitute, was laid upon the table.

Pending discussion, Mr. Walker moved that the Convention do now adjourn;

Which was agreed to, and the Convention was adjourned until 10 o'clock A. M. Monday.

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## SEVENTEENTH DAY.

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MONDAY, JUNE 29, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names:



Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Bush, Campbell, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Corover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Lesley, Love, Lutterloh, Mann, Marshall, Maxwell, Mitchell, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—90.

A quorum present.

Prayer by the Chaplain.

Mr. Challen moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was corrected and approved.

A petition from Messrs. Ferguson and others of Waldo, on the subject of temperance, a local option law, and a constitutional basis for such law, was introduced;

Which was referred to Committee on Temperance.

The resolution of Mr. Johnston, introduced on Saturday, to have two sessions each day, came up for consideration.

Mr. Baker moved to lay the resolution on the table;

Which was withdrawn.

Mr. Oliveros moved that the resolution be adopted.

Mr. McCaskill moved to amend by striking out "8 P. M." and insert "5 P. M." in lieu thereof;

Which was withdrawn.

Mr. Parsons offered as a substitute:

"That after to-day the regular hours for the meetings of the Convention will be 8 a. m. each day;"

Which was agreed to and the substitute was adopted.

Mr. Hope offered the following resolution:

*Resolved*, That after Tuesday, 30th, no new matter shall be received in this Convention that has to be referred to any of the Standing Committees.

Mr. Oliveros offered to amend by striking out the word "30th" and insert "Tuesday, 7th of July;"

Which was accepted.

The question was upon the adoption of the resolution as amended ;

Which was not agreed to.

The roll of counties being called the following Ordinances and Resolutions were introduced, read and referred to appropriate committees :

By Mr. Yonge, Article No. 57 : Defining State Boundaries ;  
Which was referred to Committee on Miscellaneous Provisions.

By Mr. Yonge, Article No. 58 : Relating to the seat of government ;

Which was referred to Committee on Miscellaneous Provisions.

By Mr. Wilson, Article No. 59 : Relating to the formation of new counties, &c. ;

Which was referred to Committee on County and City Organization.

By Mr. Bennett, Article No. 60 : To Provide for office of Lieutenant-Governor ;

Which was referred to Committee on Executive and Administrative Department.

By Mr. Thompson, Article No. 61 : Relating to establishment and maintenance of Universities for persons of color.

Which was referred to Committee on Public Institutions.

By Mr. Blackburn, Resolution No. 147 : Fixing per-diem of members ;

Which was referred to Committee on Expenditures.

By Mr. Davis, Resolution No. 148 : Relative to transportation companies granting free passes ;

Which was referred to Committee on Private corporations.

The roll of Standing Committees was called and the following committees made the following reports :

Mr. McCaskill, Chairman of the Committee on Taxation and Finance, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 29, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Taxation and Finance to whom was referred—

Resolutions Nos. 142, 35, 17, 24, 105, 69, 42, 40 and 116, have examined the same, and would report them back to the Convention without recommendation. We would also recommend that resolutions Nos. 29 and 115 be properly referred by the Convention. We would also beg leave to respectfully sub-

mit the inclosed (Article XII) as the final report of the committee.

Very respectfully,

A. L. McCASKILL, Chairman.

Which was received and the accompanying papers placed among the orders of the day.

Mr. Yonge, Chairman of the Committee on County, Township and City Organization, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA , June 29, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on County, Township and City Organization, to whom was referred all matters pertaining to the subject indicated, beg leave to report that they have given the same careful consideration, and in connection therewith have examined the Ordinances and Resolutions enumerated herein, all of which are returned with accompanying suggestions. Resolution No. 18, providing for the recognition in the new Constitution of the counties of the State as they now exist as legal divisions of the State, introduced by Mr. Lesley, of Hillsborough, your committee have embodied in the second Article submitted herewith. Your committee have also had under consideration Resolution No. 17, on the subject of forming new counties, introduced by Mr. Lesley, of Hillsborough; also, Resolution No. 80, on the same subject introduced by Mr. Hicks, of Franklin; also, Resolution No. 119, on the same subject, introduced by Mr. Parker, of Brevard, and have embodied their suggestions and recommendations upon this subject in Section 3, of Article herewith submitted. Your committee have also had under consideration Resolution No. 18, on the subject of removal of county seats, introduced by Mr. Lesley, of Hillsborough, and have embodied their recommendations upon the subject in Section 4 of Article herewith submitted. Your committee have had under consideration also, Resolution No. 46, on the subject of the division of counties, introduced by Mr. Mann, of Hernando, and Resolution No. 92, on the same subject, introduced by Mr. Wall, of Hillsborough; also Resolution No. 75, on the subject of providing Assessors of Taxes for each county precinct, introduced by Mr. Wylly, of Orange, and have embodied their recommendations upon the subject in Section 6 of Article herewith submitted. Your committee have had also under consideration Resolution No. 128, on the subject of bonds of county officers, introduced by Mr. Hausman, of Madison, and have submitted their recommendations on this subject in Section

6 of Article herewith submitted. Your committee have also had under consideration Resolution No. 114, relating to the election of County Commissioners by districts, introduced by Mr. Wellman, of Volusia; also, Resolution No. 126, relating to the appointment of County Commissioners, introduced by Mr. Randell, of Madison; also, Ordinance No. 42, being an ordinance to secure minority representation on Boards of County Commissioners, by Mr. Broome, of Volusia; also, Ordinance No. 114, being an ordinance in relation to the eligibility, election and term of office of Sheriffs, by Mr. Marshall, of Levy, and Ordinance No. 31, relating to the election of officers in each county, (the name of introducer not given,) and have embodied their recommendations upon the subjects contained in section 6 of Article herewith submitted.

Your committee further recommend that Article VIII, herewith presented, entitled "Counties and Cities," be adopted as a substitute for the various propositions contained in the several resolutions, ordinances and articles to them referred.

Very respectfully,

J. E. YONGE, Chairman

Committee on County, Township and City Organization.

## ARTICLE VIII.

### COUNTIES AND CITIES.

SECTION 1. The State shall be divided into political divisions to be called counties.

SEC. 2. The several counties of the State, as they now exist, are hereby recognized as the legal political divisions of the State.

SEC. 3. The Legislature shall have the power to and shall establish new counties and change county lines in every case in which two-thirds of the electors of any county or counties affected voting upon the proposition at a general election shall have voted therefor. No new county shall be established containing an area of less than six hundred square miles, nor shall any county be reduced to an area of less than six hundred square miles. No line of a newly established county or changed line of an existing county shall run within less than ten miles of the county seat. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory, taken from county or counties, and every county acquiring ad-



ditional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

SEC. 4. The Legislature shall have no power to remove the county seat of any county, but shall provide by general law for the removal of county seats in all cases in which two-thirds of the qualified electors of any county voting upon the proposition at a general election shall vote therefor; but no such proposition shall be submitted oftener than once in eight years.

SEC. 5. The Legislature shall provide for the election, by the qualified electors in each county, of the following county officers: One Clerk of the Circuit Court, one Sheriff, such number of Constables as may be fixed by law, provided no county shall have more than ten Constables, five County Commissioners, a County Assessor of Taxes, a Tax Collector, a County Treasurer, a Superintendent of Public Instruction, a Board of Public Instruction to consist of five members, and a County Surveyor. The term of office of all county officers shall be four years; their powers, duties and compensation shall be prescribed by law.

SEC. 6. The Legislature shall by law authorize the County Commissioners of the several counties to divide their respective counties into taxation districts, and to appoint in and for each district an assistant assessor of taxes, whose powers, duties and compensation shall be prescribed by law. All county officers, except assistant tax assessors of taxes shall, before entering upon the duties of their respective offices, be commissioned by the Governor, but no such commission shall issue to any such officer until he shall have filed with the Secretary of State a good and sufficient bond, in such sum and upon such conditions as the Legislature shall by law prescribe, approved by the County Judge of the county in which such officer resides, and by the Governor, Comptroller and Attorney-General. No county officer shall become surety upon the official bond of any other county officer. If any person elected to any county office shall fail to give bond and qualify within sixty days after his said election, the said office shall become vacant.

SEC. 7. The Legislature shall have power to establish and to abolish municipalities, to provide for their government, to prescribe their jurisdiction and powers, and to alter or amend the same at any time;

Which was received, and the Article accompanying was ordered printed and laid over until to-morrow.

Mr. Randall, of Duval, moved that the resolution offered by



Mr. Broome, alluded to in the report of the Committee on County, Township and City Organization, be printed with the Article reported by them ;

Which was agreed to.

Article —, on public health, was read the first time by its title and placed among the orders of the day.

The consideration of Article IV was resumed.

Section 4 was read.

Mr. Bush offered the following substitute to Section 4 :

“ Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly ; *Provided*, That the Senators from the districts designated by even numbers shall be elected in the year 1886, and Senators from the odd districts shall hold their terms until the year 1888.”

The question was upon the adoption of substitute ;

Which was agreed to, and the substitute was declared adopted.

Mr. Conover moved that the wording of the substitute be changed to read :

“ Districts designated by even numbers shall ;”

Which was agreed to.

Mr. McClellan moved to reconsider the vote by which the substitute for section 4 was just passed.

The question was upon the reconsideration.

Mr. Oliveros moved to lay the motion to reconsider on the table ;

Which was not agreed to.

The question was again upon the motion to reconsider ;

Which was agreed to.

Mr. McClellan moved that Section 4 be recommitted to the Committee on Census and Apportionment.

Mr. Wilson, of Polk and Manatee, moved to lay the motion to recommit on the table ;

Which was not agreed to, and the section was recommitted to said committee.

Mr. Oliveros moved that the Committee on Census and Apportionment be required to report on Section 4, just referred to them, within three days ;

Which was not agreed to.

Mr. Turnbull offered the following additional section :

SECTION — . The seat of a member of either House shall be vacated on his permanent change of residence from the District or county from which he was elected ;

Which was adopted.

Section 6, as reported by the majority of the committee on Saturday, was read.

Mr. Duncan offered the following minority report, and moved the adoption of the substitute for section 6 as offered by the report :

CONVENTION HALL, TALLAHASSEE, FLA., June 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your committee to whom was referred for further consideration Section 6 of Article IV, beg leave to submit a minority report, and recommend the adoption of the following section :

SEC. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers and determine the rules of its proceedings. The Assembly shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct, and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

The minority report further recommends that Article V (5) be reconsidered for the purpose of incorporating therein a provision for the office of Lieutenant-Governor, who shall be President of the Senate.

Very respectfully,

H. H. DUNCAN.

The question was upon the adoption of the substitute ;  
Which was not agreed to.

The question was then upon the adoption of Section 6 as reported by the majority of the committee ;

Which was agreed to, and Section 6 was passed, as reported by the majority of the committee.

Mr. Baker offered to following additional section to come in immediately after Section 15.

Every bill having passed both Houses shall be carefully enrolled, and shall be signed by the presiding officer of each House. Any presiding officer refusing to sign a bill which shall have previously passed both Houses, shall thereafter be incapable of holding a seat in either branch of the Legislature, or hold any office of honor or profit in the State, and in case of such refusal, each House shall by rule provide the manner in which each bill shall be properly certified for presentation to the Governor.

Mr. Yonge moved to lay the section on the table ;

Which was agreed to, and the section was laid upon the table.

The additional section offered by Mr. Orman on Saturday, prohibiting the granting of free passes by railroads to State officials, came up for consideration.

By request of the Committee on Corporations, Mr. Orman withdrew the additional section.

Mr. Tolbert offered the following resolution :

The Legislature shall have power to establish commissions with power to regulate the charges of all corporations doing business in this State ;

Which was referred to the Committee on Private Corporations.

Section 21 was read.

Mr. Maxwell offered to amend as follows :

Strike out all after " government " in line two, and insert " but such system shall not apply in cases where local or special laws provided by the Legislature may be inconsistent therewith."

The question was upon the adoption of the amendment ;

Which was not agreed to.

Section 21 was then passed as reported from the committee.

Mr. Baker offered the following additional section :

SECTION . Two or more members of either House shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public, or to any individual, and have the reason of their dissent entered on the Journal.

Mr. McClellan moved to lay the section on the table ;

Which was agreed to and, the additional section was laid on the table.

Section 22 was read.

Mr. Walter moved to amend as follows :

At the end of line four, in section 22, Article IV, add " Mechanics and Workingmen's Associations, Knights of Labor and the American Legion of Honor ;"

Which was not agreed to.

Mr. Rogers offered the following amendment :

Add after the word " Masons," in fourth line, the words " religious and other charitable institutions ;"

Which was agreed to, and the amendment was adopted.

Mr. Challen offered the following amendment :

Strike out all after " necessary " in the third line ;

Which was agreed to, and the amendment was declared adopted.

Mr. Conover offered the following amendment :

All charters heretofore or hereafter granted shall be and remain in full force and effect until set aside or annulled by the decree of a court of competent jurisdiction, and the Legislature shall provide by law for the forfeiture of all charters for non-user or for a violation of the terms of such charter or charters.

Mr. McClellan moved that the amendment be referred to the Committee on Private Corporations ;

Which was agreed to.

Section 22 was then passed as amended.

Section 23 was read.

Mr. Clarke, of Jefferson, moved to strike out the entire section ;

Which was agreed to.

Section 24 was read and passed without amendment.

Section 26 was read.

Mr. Oliveros moved to strike out the entire Section ;

Which was agreed to.

Section 27 was read.

Mr. Randall, of Daval, moved to strike out the words "and compensation ;"

Which was not agreed to.

Mr. Tolbert offered the following amendment :

Section 27, in first and second lines strike out after the word "people" the words "or appointment by the Governor."

Mr. Turnbull moved to lay the amendment on the table ;

Which was agreed to.

Section 27 was then passed as read.

Section 28 was read and passed without amendment.

Section 29 was read.

Mr. Maxwell moved to strike out the last sentence, commencing after the words "to law," in the fourteenth line ;

Which was agreed to.

Mr. Maxwell moved to strike out the words "members of the Cabinet," and insert in lieu thereof the words "administrative officers of the Executive Department ;"

Which was agreed to.

Mr. Mann moved the following amendment :

Strike out "present" in line 5, section 29.

Mr. McClellan moved to lay the amendment on the table ;

Which was agreed to.

Mr. Duncan moved to amend by striking out all the words after the word "Justice," in line 9, and before the words "the Governor" in line 10 ;

Which was not agreed to.

Mr. Challen offered to amend by inserting the words "Presiding officer of the Senate," in line nine, in lieu of the word "Governor ;"

Which was not agreed to.

Section 29 was then passed as amended.

Mr. Baker offered the following additional section :

Any presiding officer refusing to sign a bill after it has passed both houses shall be guilty of felony.

Mr. McClellan moved to lay the section on the table ;

Which was agreed to.

Section 30 was read and passed without amendment.

Section 31 was read and passed without amendment.

Mr. Conover moved to reconsider the vote by which the additional section, offered by Mr. Pelot on Saturday, for the purpose of amendment ;

Which was agreed to, and the section was amended by striking out the words "General Assembly" and inserting the word "Legislature."

The section was then passed as amended.

Upon motion, Article IV was ordered engrossed, as amended, and spread upon the journal.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of this State shall be vested in a Senate and Assembly, which shall be designated "The Legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

SEC. 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but any special session convened by the Governor shall not exceed twenty days.

SEC. 3. The members of the Assembly shall be chosen biennially, those of the first Legislature on the first Tuesday after the first Monday in November, A. D. 1886, and thereafter on the corresponding day of every second year.

SEC. 4. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts for which they were chosen. The pay of members of the Senate and Assembly shall not exceed six dollars per day for each day of session, and mileage to and from their homes to the seat of



government, not to exceed ten cents per mile each way, by the nearest and most practicable route.

SEC. 5. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session thereof, choose from among its members a permanent President of the Senate, who shall be its presiding officer. The Assembly shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct; and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

SEC. 6. No person holding a lucrative office or appointment under the United States or of this State, shall be eligible to a seat in the Legislature of this State.

SEC. 7. The seat of a member of either House shall be vacated on his permanent change of residence from the district or county from which he was elected.

SEC. 8. Either House during the session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, or a refusal to obey its lawful summons, but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 9. Either House shall have power to compel the attendance of witnesses upon any investigations held by itself, or by any of its committees; the manner of the exercise of such power shall be provided by law.

SEC. 10. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the presence of absent members in such manner and under such penalties as each House may prescribe.

SEC. 11. Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house on any question shall, at the desire of any five members present, be entered on the journal.

SEC. 12. The doors of each house shall be kept open during its session, except the Senate while sitting in executive session; and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

SEC. 13. Any bill may originate in either house of the Legislature, and after being passed in one house may be amended in the other.

SEC. 14. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Florida."

SEC. 15. Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be amended or revised by reference to its title only; but in such case the act as revised, or section as amended, shall be re enacted and published at length.

SEC. 16. Every bill shall be read by sections on three several days in each house, unless in case of emergency, two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered in the Journal of each house; *Provided*, That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote; and a majority of the members present in each shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses, and by the Secretary of the Senate and Clerk of the Assembly.

SEC. 17. No money shall be drawn from the treasury except by appropriation made by law, and accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

SEC. 18. The Legislature shall not pass special or local laws in any of the following enumerated cases: that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers, or for the punishment of crime or misdemeanor; regulating the practices of courts of justice, except municipal courts; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads; summoning and empanneling grand and petit juries, and providing for their compensation; for the assessment and collection of taxes for State and county purposes; providing for opening and conducting elections for State and county officers, and designating the places of voting; providing for the sale of real estate belonging to minors, estates of decedents, and of persons laboring under legal disabilities; regulating the fees of officers of the State and county, giving effect to informal or invalid deeds or wills; legitimating illegitimate chil-

dren ; providing for the adoption of children ; relieving minors from legal disabilities and for the establishment of ferries.

SEC. 19. In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in the preceding section, the Legislature may pass special or local laws ; *Provided*, That no local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least sixty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be established in the Legislature before such act shall be passed.

SEC. 20. Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

SEC. 21. Lotteries are hereby prohibited in this State.

SEC. 22. The Legislature shall establish a uniform system of County and Municipal Government, which shall be applicable, except in cases where local or special laws are provided by the Legislature which may be inconsistent therewith.

SEC. 23. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining and other useful companies or associations as may be deemed necessary

SEC. 24. Laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SEC. 25. The Legislature shall provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

SEC. 26. Every bill which may have passed the Legislature shall, before becoming a law, be presented to the Governor ; if he approves it he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it ; if, after such reconsideration, it shall pass both Houses by a two-thirds vote of the members present, which vote shall be entered on the journal of each House, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sundays excepted) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its

final adjournment, prevent such action, such bill shall be a law, unless the Governor, within ten days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

SEC. 27. The Assembly shall have the sole power of impeachment ; but a vote of two-thirds of all members present shall be required to impeach any officer ; and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. The Senate may adjourn to a fixed day for the trial of any impeachment, and may sit for the purpose of such trial whether the Assembly be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the Assembly. The Chief Justice shall preside at all trials by impeachment except in the trials of the Chief Justice, when the Governor shall preside. The Governor, Administrative officers of the Executive Department, Justices of the Supreme Court, and Judges of the Circuit Court shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State ; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

SEC. 28. Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

SEC. 29. The Legislature shall elect United States Senators in the manner prescribed by the Congress of the United States and by this Constitution.

Article X, on Public Institutions was read a second time.

Section 1 was read and passed without amendment.

Section 2 was read.

Mr. Rogers offered the following substitute :

A State Prison shall be permanently established. In connection therewith there shall be established a State farm or other institutions of industry as may be fixed by law, in which the inmates of said prison shall be employed. Provisions may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders, and the Legislature shall have power to establish a home and work-house for common vagrants.



The question was upon the adoption of the substitute.

Mr. Gillis moved to lay the substitute on the table ;

Which was agreed to, and the substitute was laid upon the table.

Section 2 was then passed as read.

Section 3 was read and passed without amendment.

Article X was passed as a whole and ordered engrossed for a third reading and be spread on the Journal.

## ARTICLE X.

### PUBLIC INSTITUTIONS.

SECTION. 1. Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be provided by law.

SEC. 2. A State Prison shall be established and maintained in such manner as may be fixed by law. Provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders, and the Legislature shall have power to establish a home and work-house for common vagrants.

SEC. 3. The respective counties of the State shall provide in the manner fixed by law for those of the inhabitants who, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society.

Mr. Sanchez moved to adjourn until 8 o'clock to-night;

Which was agreed to, and the Convention was so adjourned

### EIGHT O'CLOCK P. M.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan. Mc-



Kinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—99.

A quorum present.

The Convention proceeded to consider the orders of the day.

The Preamble and Declaration of Rights came up for consideration.

The Preamble as reported by the committee was read.

Mr. Jones offered the following substitute:

To secure to ourselves and our posterity the enjoyment of all the rights of life, liberty and property, and the pursuit of happiness, we, the people of the State of Florida, do ordain and establish this Constitution.

Mr. Mann moved to lay the substitute on the table ;

Which was agreed to.

Mr. Goss offered the following substitute :

We, the people of Florida, assembled in Convention, in order to better secure the blessings of, and form a more perfect State Government, insuring domestic tranquility, maintaining public order and guaranteeing equal civil and political rights to all alike, do ordain and establish this Constitution.

Mr. Oliveros moved to lay the substitute on the table ;

Which was agreed to.

Mr. Maxwell moved to strike out the word "Constitutional" in the preamble, as reported by the committee.

Mr. Humphries moved to lay the amendment to strike out on the table ;

Which was agreed to.

The question was upon the adoption of the Preamble as reported by the committee ;

Which was agreed to, and the Preamble was passed.

Section 1 of the Declaration of Rights was read.

Mr. McClellan moved to strike out the words "safety and" in the third line.

Mr. Mann moved to lay the motion to amend on the table ;

Which was agreed to.

Mr. Bethel moved the adoption of section one as reported by the committee ;

Which was agreed to.

Section two was read.

Mr. Clarke, of Jefferson, moved to amend by striking out all after the word "it" in the third line ;

Upon motion, the motion was laid upon the table.

Mr. Blount offered to amend as follows :

In Section 2, line 2, amend by inserting after the word "amend" the words "the form of."

Mr. Mann moved to lay the amendment on the table ;

Which was agreed to.

The question was upon the adoption of the section as read ;

Which was agreed to.

Section 3 was read and adopted without amendment.

Section 4 was read and adopted without amendment.

Section 5 was read.

Mr. Love moved to amend by striking out all after the word "suspended" in the second line.

Mr. Fowler moved to lay the motion to amend on the table ;

Which was agreed to.

The question was upon the adoption of the section as reported by the committee ;

Which was agreed to, and the section was passed as read.

Section 6 was read.

Mr. Parkhill moved to amend by striking out the word "cruel ;"

Which was not agreed to, and the section as reported by the committee was passed.

Section 7 was read and adopted without amendment.

Section 8 was read, and passed without amendment.

Section 9 was read.

Mr. Hocker moved to amend by striking out the words "duly drawn ;"

Which was agreed to.

Mr. Blount offered to amend by striking out the words "free and," in the fifth line ;

Which was agreed to.

Mr. Malone offered to amend by striking out the words "where the crime shall have been committed" in lines 2 and 3, and inserting the words "where the trial shall be had."

Mr. Hocker moved to amend the amendment as follows :

Strike out "from the body of the" and insert "in the county where the crime shall have been committed."

Mr. Mann moved that section 9, with all proposed amendments, be recommitted and referred to the Committee on Judiciary Department ;

Which was not agreed to.

The question was upon the amendment to the amendment ;

Which was agreed to.

The question was upon the adoption of the amendment as amended ;

Which was agreed to.

Mr. Challen moved to amend by inserting the words "or circuit," after the word "county," in the second line ;

Which was not agreed to.

Section 9 was then passed as amended.

Section 10 was read and passed without amendment.

Section 11 was read and passed without amendment.

Section 12 was read and passed without amendment.

Section 13 was read and passed without amendment.

Section 14 was read.

Mr. Marshall offered to amend by striking out all of section 14 after the word "provisions." in second line.

Mr. Bell, of Hamilton, moved to recommit the section with amendment offered ;

Which was not agreed to.

Mr. Clarke moved an amendment to the amendment, "strike out the entire section ;"

Which was agreed to.

Section 15 was read and passed without amendment.

Section 16 was read.

Mr. Turnbull offered to amend as follows :

And the social status of the citizen shall never be the subject of legislation ;

Which was agreed to.

Mr. Maxwell moved to strike out all between the word "contract" and the word "shall," in the second line ;

Which was not agreed to.

Section 16 was passed as amended.

Section 17 was read.

Mr. Yonge moved to amend as follows :

Strike out in Section 17 "who are or who may hereafter become *bona fide* residents of this State ;"

Which was not agreed to.

Section 17 was then passed as read.

Section 18 was read.

Mr. Fowler moved to amend as follows :

Section 18—Neither slavery, involuntary servitude or compulsory labor, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be tolerated in this State.

Mr. Parkhill moved to lay the amendment on the table ;

Which was agreed to.

Section 18 was then passed as read.

Section 19 was read and passed without amendment.

Mr. Challen offered the following additional section :

SEC. —. No standing army shall in time of peace be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power ;

Which was read and adopted.

Mr. Baker moved to reconsider the vote by which the additional section just offered was passed ;

Which was agreed to.

Mr. Baker moved to amend as follows :

Strike out all down to " the military ;"

Which was agreed to.

The additional section was then passed as amended.

Section 20 was read and adopted without amendment.

Section 21 was read and passed without amendment.

Section 22 was read and passed without amendment.

Section 23 was read.

Mr. Milton moved to correct the verbiage by adding the words " shall be " in line 3 between " justice " and " administered."

Mr. Bush offered the following additional section :

SECTION —. This State shall ever remain a member of the United States of America.

Mr. Milton moved to lay the additional section on the table ;

Which was agreed to.

Mr. Baker offered the following additional section :

SEC. —. Representatives in the Legislature shall be apportioned according to the population in the several counties.

Mr. Yonge moved to refer the additional section to the Committee on Census and Apportionment ;

Which was agreed to.

Mr. Challen offered the following additional section :

Section —. Elections shall be free and equal, and no power shall at any time interfere to prevent the free exercise and consummation of the right of suffrage, except to a person convicted of felony by a jury and duly condemned by a court of competent jurisdiction.

Mr. Yonge moved to lay the Section on the table ;

Which was agreed to.

Mr. Randall, of Duval, moved that the vote by which Section 11 was passed be reconsidered ;

Which was agreed to.

Mr. Randall, of Duval, offered to amend as follows :

Add to 11, " in all criminal prosecutions and civil actions for libel the truth may be given in evidence to the jury, and

if it shall appear that the matter charged as libelous is true, but was published for good motives, the party shall be acquitted or exonerated;”

Which was agreed to, and the section was passed as amended.

Mr. Bell, of Hamilton, gave notice that he would on to-morrow move to reconsider the vote by which section four was passed.

Section 24 was read and passed without amendment.

Upon motion, the Convention adjourned until 9 o'clock A. M. to-morrow.

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## EIGHTEENTH DAY.

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TUESDAY, JUNE 30, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly Yonge and Zipperer—101.

A quorum present.

Prayer by the Chaplain.

Mr. Tolbert moved that the reading of the Journal be dispensed with;

Which was agreed to.



Mr. Green moved that the correction of the Journal be passed for the present :

Which was agreed to

Mr. McCaskill offered the following resolution :

*Resolved*, That this Convention shall convene daily at 9 o'clock a. m. and 5 o'clock p. m., unless otherwise ordered ;

Which was read.

Mr. McCaskill asked that the rules be waived and immediate action be taken on the resolution ;

Which was agreed to.

Mr. Mann moved to amend by striking out "four" and inserting "eight."

Mr. Sheats moved to amend the amendment by striking out "eight" and inserting "five ;"

Which was accepted.

The question was then upon the amendment offered by Mr. Mann ;

Which was not agreed to.

The question was then upon the resolution.

Mr. Parsons moved to lay the resolution on the table ;

Which was agreed to.

Mr. Randolph offered the following resolution ;

*Resolved*, That on the calling of the roll, or a call for the yeas and nays, any member not answering to the call, or refusing to vote, shall be marked "absent," or "not voting," as the case may be, and it shall so appear upon the Journal of the Convention ;

Which was laid over under the rules.

The following resolutions, articles and ordinances were introduced, read and referred to appropriate committees :

By Mr. Maxwell, the following to be incorporated in Article on Miscellaneous Provisions :

SECTION —. Every officer, State, county or municipal, shall hold his office until his successor is elected or appointed and qualified ;

Which was referred to the Committee on Miscellaneous Provisions.

By Mr. Parkhill, Article No. 63: Providing for appointment of five County Commissioners by the Governor ;

Which was referred to Committee on County and City Organization.

By Mr. Parkhill, amendment to Article 12: In line 8, after the word "hemp" so as to read "cotton-seed oil and ice factory ;"

Which was referred to Committee on Taxation and Finance.

By Mr. Randell, of Madison, Resolution No. 149: Relating to Poll Tax and Suffrage ;

Which was referred to Committee on Taxation and Finance.

By Mr. Gibbs, No. 150: Section relating to the establishment of a branch of the State Agricultural College for persons of color to be located at Jacksonville ;

Which was referred to the Committee on Education.

The roll of Committees being called, the following reports were offered :

Mr. Bethel, Chairman of the Committee on Legislative Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., June 30, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Legislative Department to whom was referred—

Resolution No. 54: By Mr. Hicks, of Franklin, would recommend that the further consideration of said Resolution be indefinitely postponed.

Very respectfully,

L. W. BETHEL, Chairman Committee.

Which was received, and the accompanying papers placed among the orders of the day.

Mr. Oliveros, Chairman of the Enrollment and Engrossing Committee, made the following report :

CONVENTION HALL,  
TALLAHASSEE, FLA., June 30, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Engrossment and Enrollment, to whom was referred—

Article No. 10, beg to report that they have examined and compared the same and find it correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

THEODORE RANDELL,

H. H. DUNCAN,

SAM'L E. HOPE,

Committee.

Which was read.

Article XII, on Taxation and Finance, was read the first time by its title.

Mr. McCaskill moved that Article XII be recommitted to the committee ;

Which was agreed to, and it was so ordered.

Mr. Rogers gave notice that he would to-morrow move to reconsider the vote by which section 2, Article X, was passed.

Mr. Oliveros moved to waive the rules and take up Article V on its third reading ;

Which was agreed to.

Article V, on the Executive Department, was read.

Mr. Baker moved to reconsider the vote by which the rules were waived, and Article V taken up for a third reading ;

Which was agreed to.

Mr. Maxwell gave notice that he would move that Article V be taken up for a third reading on to-morrow.

Mr. Bethel gave notice that he would call up Article IV for a third reading on Thursday.

The Journal of yesterday, on motion of Mr. Randall, of Duval, was corrected as follows :

Insert Ordinance No. 42, as offered by Mr. Broome, in connection with Article VIII, which was read as follows :

ORDINANCE No. 42. The Board of County Commissioners of each county shall consist of five members, but at the election held for choosing the same, there shall not appear upon any one ballot the name of more than three persons voted for for said office, and upon a canvass of the vote, the five persons receiving the greatest number of votes shall be declared elected, and shall constitute said Board.

The Journal was approved as corrected.

The consideration of the Preamble and Declaration of Rights on its second reading, was resumed.

Mr. Bell, of Hamilton, moved to reconsider the vote by which Section 4, of the Preamble and Declaration of Rights, was passed on yesterday ;

Which was not agreed to.

Mr. Bell, of Hamilton, offered the following additional Section :

SECTION —. Mechanics and laborers shall have liens upon the property of their employers for labor performed or material furnished, and the Legislature shall provide for the summary enforcement of the same ;

Which was read.

Mr. Challen moved that the additional section be referred to the Committee on Miscellaneous Provisions ;

Which was agreed to, and it was so referred.

Mr. Paterson moved to reconsider the vote by which section 16 was passed yesterday ;

Which was agreed to.

Mr. Paterson moved to amend section 16 of the Preamble and Declaration of Rights as follows :

Strike out "any citizen" and insert in lieu thereof "the citizens of this State."

Mr. McClellan moved to amend the amendment by striking out the words "or discriminating against any citizen of this State;"

Which was agreed to.

Mr. Duncan moved to further amend by striking out all after the word "passed."

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blount, Broome, Bush, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Love, Luterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Speer, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Wadsworth, Wall, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Yonge and Zipperer—74

Nays—Messrs. Baker, Blackburn, Carr, Challen, Conover, Fowler, Gibbs, Goss, Hargret, Lewis, Mann, Miller, Randall of Duval, Rogers, Sheats, Stone, Thompson, Turnbull, Walter, Wilson of Polk and Manatee and Wylly—21.

So the amendment was agreed to.

The section as amended was then adopted.

Mr. Broome moved to reconsider the vote by which Section 17 was passed on yesterday ;

Which was agreed to.

Mr. Broome moved to amend as follows :

Foreigners and non-residents shall enjoy the same rights in respect to the possession, enjoyment, transfer and inheritance of property as other citizens of this State.

Mr. Oliveros offered the following substitute for the amendment :

SECTION 17. That foreigners shall have the same rights as the to ownership, inheritance and disposition of property in this State as citizens of the State.

Mr. Broome withdrew his amendment, and the question was upon the adoption of the substitute offered by Mr. Oliveros.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Blount, Broome, Challen, Coker, Cook, Davidson, Duncan, Earle, Genovar, Gibbs, Gillis, Hausman, Hendley Hocker, Hope, Humphries, Hunter Johnston, Jones, Landrum, Leslie, Lewis, Mann, Marshall, Maxwell, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Taylor, Tedder, Wadsworth, Walter, Weeks, Wellman, Westcott, Whitmire, Wyly and Yonge—59.

Nays—Messrs. Bell of Hamilton, Bethel, Blackburn, Bush, Campbell, Carr, Carson, Clarke of Jefferson, Clark of Jackson, Conover, Davis, Edge, Fogarty, Fowler, Goodbread, Goss, Green, Hargret, Hatch, Henderson, Herndon, Hicks, Ives, Love, Lutterloh, Malone, Miller, Milton, Morgan, McKinnon, Rogers, Stone, Swearingen, Thompson, Tolbert, Wall, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—41.

So the substitute was adopted in place of the original Section, and passed.

The Preamble and Declaration of Rights was then adopted as a whole, ordered spread upon the Journal and engrossed for a third reading.

## PREAMBLE.

We, the people of the State of Florida, grateful to Almighty God for our constitutional liberty, in order to secure its blessings and form a more perfect government, insuring domestic tranquility, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this Constitution.

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## DECLARATION OF RIGHTS.

SECTION 1. All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of its citizens, and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal Government, and no power exists with the people of this State to dissolve its connection therewith.



SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever.

SEC. 4. The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the State or society.

SEC. 5. The writ of *habeas corpus* shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless in case of rebellion or invasion the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or the presumption great.

SEC. 8. No person shall be tried for a capital or otherwise infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the State may keep, with the consent of Congress, in time of peace.

SEC. 9. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime shall have been committed, and shall be heard by himself, or counsel, or both, to demand the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have compulsory process to compel the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.

SEC. 10. No person shall be subject to be twice put in jeopardy for the same offence, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken without just compensation.

SEC. 11. Every person may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or the press. In all criminal prosecutions and civil actions for libel the truth may be given in evidence to the jury, and if it shall appear that the matter charged as libelous is

true, but was published for good motives, the party shall be acquitted or exonerated.

SEC. 12. No person shall be compelled to pay costs except after conviction, on a final trial.

SEC. 13. The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 14. No person shall be imprisoned for debt except in cases of fraud.

SEC. 15. No bill of attainder, or *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed.

SEC. 16. That foreigners shall have the same rights as to the ownership, inheritance and disposition of property in this State as citizens of the State.

SEC. 17. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be tolerated in this State.

SEC. 18. The right of the people to bear arms in defence of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

SEC. 19. The military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 20. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated; and no warrants issued but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

SEC. 21. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood or forfeiture of estate.

SEC. 22. No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

SEC. 23. All courts in this State shall be open, and every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

SEC. 24. This enunciation of rights shall not be construed to impair or deny others retained by the people.

Mr. Milton gave notice that he would call up the Preamble and Bill of Rights for a third reading on Friday.

Mr. Speer, Chairman of the Committee on Temperance, asked leave to make a report;

Which was granted.

Mr. Speer made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., June 30, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Temperance to whom was referred—

Sundry Memorials, Petitions and Resolutions, signed by many thousands of our citizens from all parts of the State, asking and urging the serious consideration of restraining and regulating the sale of intoxicating liquors in the State of Florida; have had the same under consideration, and beg to present the accompanying "Ordinance" as a substitute therefor, and recommend its adoption by the Convention—and also recommend that this Ordinance shall not form a part of this Constitution until its submission to the voters of the State, separate from this Constitution, and its acceptance by them at an election to be held for the ratification of this Constitution.

Very respectfully,

J. G. SPEER,

Chairman Committee.

#### AN ORDINANCE NO. —

SECTION 1. The Board of County Commissioners of each county in this State shall order an election to be held on the first Tuesday after the first Monday in September, A. D. 1887, and every two years thereafter, to determine whether intoxicating liquors, either spirituous, vinous or malt, shall be sold in the county within the period of two years from the holding of said election. The question to be determined in the negative by a majority vote of those voting at said election. Elections under this section shall be conducted in the same manner provided by law for holding general elections.

SEC. 2. The Legislature, at its first session after the adoption of this Constitution, shall provide necessary laws to enforce the provisions of this Ordinance.

Which was read, and the report and accompanying papers were placed among the orders of the day.

On motion, 200 copies of the Article were ordered printed.

President Pasco called Vice-President Yonge to the chair. Article VI, on homestead exemption, came up for consideration.

Section 1 was read.

Mr. Walter offered the following amendment :

Insert on line five, after the word "thereon," "to the value of twenty-five hundred dollars."

Mr. Hicks offered the following substitute :

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre of land within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempted from forced sale under any process of law, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon, or for house, field or other labor performed on the same. The exemption herein provided for a city or town shall not extend to more improvements or buildings than the residence and business house of the owner.

SEC. 2. The exemptions here provided for in section one shall accrue to the heirs of the party entitled to such exemption, and shall apply to all debts, except as specified, no matter when or where contracted or incurred.

Mr. Clarke, of Jefferson, offered the following amendment to the substitute :

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempted from forced sale under any process of law, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner ;

Which was accepted.

Mr. Clarke, of Jefferson, moved that the Article VI, as re-



ported by the committee and printed, and the substitute offered by Mr. Hicks, be read and considered by sections.

Mr. Maxwell moved that all amendments and substitutes offered, be read and spread upon the Journal, and all further action thereon, be deferred until to-morrow;

Which was agreed to.

Mr. Broome offered the following amendment:

Strike "person" on fourth line and insert "head of family."

Mr. Taylor offered the following amendment:

In line 2 of Section 1, strike out "held for agricultural purposes and for residence" and insert "resided upon."

Mr. Wilson, of Polk and Manatee, offered the following amendment:

There shall be exempt from levy and sale, by virtue of any process whatever under the laws of this state, except as hereinafter excepted, of the property of every head of a family, or guardian, or trustee of a family of minor children, or every aged or infirm person or persons having the care and support of dependent females of any age, who is not the head of a family, realty or personalty or both, to the value in the aggregate of four thousand dollars.

Mr. Blackburn offered the following amendment:

*Provided*, That any person or persons shall have the right to waive all homestead and exemption privileges on any part or the whole of his, her, or their personal property, in writing, for any specified or conditioned sum of money, and the said waiver shall be valid in law, after being signed and sealed, in the presence of two subscribing witnesses, by the debtor or the husband and wife, when that relation exists.

Mr. Randell, of Madison, offered the following amendment:

Section 1, in line 1, strike out "one hundred and sixty," and insert "eighty."

Mr. Randell, of Madison, offered the following amendment:

Section 2, in line 2, strike out "one thousand dollars" and insert "five hundred dollars."

Mr. Blackburn offered the following amendment:

Add after the word premises, "or for rents due, or to become due on real estate."

Mr. Challen offered the following amendment:

Insert after the word "person," in the fourth line the words "being the head of a family."

Mr. Bell, of Brevard, offered the following amendment:

Strike out line 2 from "agricultural" to word "thereof."

Mr. Goodbread offered the following amendment:

*Resolved*, That there shall be exempt from forced sale under



or by virtue of any legal process whatever, except in cases hereinafter provided for by this constitution, property of the head of every family to the value in the aggregate of fifteen hundred dollars.

Mr. Blount offered the following substitute :

Amend Article VI by striking out sections 1, 2, 3, 4 and 5, and inserting in lieu thereof the following, to wit :

SEC. 1. A homestead owned or held by the head of a family residing in this State and occupied by him or her and the said family of a value not exceeding two thousand (\$2,000) dollars shall be exempt from forced sale under any process of law. It shall not be alienable, except by the joint conveyance of husband and wife, when that relation exists. There shall be likewise exempt to such head of a family personal property of a value not exceeding one thousand dollars.

SEC. 2. No property shall be exempt from sale for taxes or from forced sale for the payment of the purchase money thereof, or for the payment for any labor thereon, or on account thereof.

SEC. 3. The benefit of the said homestead and exemption shall, upon the death of the owner or holder, enure in favor of his widow and minor children; but upon the marriage or death of the former, or the majority or death of all the latter, the said property shall be subject to the payment of such debts of the deceased head of the family as shall not then be barred by the statute of limitations. If the family of which the said owner or holder shall be head be composed of a person or persons other than a wife and children, or if any of the children shall, after their majority, be incapable of supporting themselves, the benefit of such homestead and exemption shall enure to such family and the members thereof, or to such children, until the necessity therefor shall cease to exist, when the said property shall be subject to the payment of debts as aforesaid.

Mr. Baker offered the following amendment :

The husband may insure his own life for the sole use and benefit of his wife and the children. In case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of the husband, or any of his creditors.

Mr. Morgan offered the following amendment :

Amend by adding a new section after Section 2 :

SECTION —. The debtor shall have power to waive or renounce in writing his or her right to the benefit of the exemption provided for in this Article, except as to wearing apparel, household and kitchen furniture and provisions, not to exceed the

amount of four hundred dollars, to be selected by himself and his wife, if any, or by the head of the family if no marriage relation exists, and they shall not, after it is set apart, alienate or encumber the property so set apart or exempt; but it may be sold by the debtor and his wife (if any), with the consent of each, and the proceeds shall be reinvested for the same uses.

Mr. Orman offered the following:

A homestead embracing not exceeding one hundred and sixty acres of land, or not exceeding one-half of one acre within the limits of an incorporated city or town, owned or held by the head of a family residing in this State, and the improvements thereon shall be exempt from levy and forced sale under process of any court except as hereinafter mentioned, and the same shall not be alienable unless by the consent of both husband and wife when such relation exists. The improvements exempt within a city or town shall include one dwelling-house of the owner or holder and his or her family, with the appurtenances thereto, and no judgment or decree shall be a lien upon any exempt property except as provided in this Article.

Mr. Bush offered the following amendment:

Strike out in 2d line the words "for agricultural purposes and for residence."

Mr. Lesley offered the following amendment:

Strike out in section one, second line, after the word "purpose," the words "and for," and insert the word "or."

Mr. Bush offered the following amendment:

Strike out in the second line the words "widow and minor children" and insert in place thereof the word "heirs."

Mr. Wellman offered the following amendment:

Strike out "one hundred and sixty," in line one, and insert "eighty." Insert in line two, after the word "thereof," "*Provided*, The valuation does not exceed two thousand dollars."

Mr. Clark, of Jackson, offered the following amendment:

In line 2, section 2, strike out "one thousand" and insert "five hundred."

Mr. Clark, of Jackson, offered the following:

SEC. 4. Nothing in this Article shall be construed to prevent any person from disposing of any personal property exempted under this Article by sale, mortgage, lien or otherwise.

Mr. Clark, of Jackson, offered the following substitute for Section 1, Article VI:

A homestead embracing not exceeding one hundred and sixty acres of land held for agricultural purposes, and for residence by the owner or holder thereof; or not exceeding one-

half of one acre within the limits of any town or city, held and occupied by any person residing in this State, and who shall be head of a family, with the improvements thereon, shall be exempt from forced sale under process of any court, except as hereinafter mentioned, and the same shall not be alienable unless by the joint consent of husband and wife, where such relation exists. The improvements exempted within a city or town, shall include but one dwelling house with the appurtenances thereto belonging, which shall be the home of the person so exempting, and no judgment or decree shall be a lien upon any property exempted under this section, except as provided for in this Article; *Provided*, That the exemption herein provided for shall not be encumbered by any mortgage or other lien for any debt except for the purchase or improvements thereon.

Mr. Turnbull offered the following substitute for section 6 :

Homesteads and exemptions of personal property, which have been heretofore set apart by virtue of the provisions of the existing Constitution of this State, and in accordance with the laws for the enforcement thereof, or which may be hereafter so set apart, at any time shall be and remain valid as against all debts and liabilities existing at the time of the adoption of this Constitution, to the same extent that they would have been had said existing Constitution not been revised.

Mr. Randall, of Duval, offered the following amendment :

Amend by inserting in line two after the word " residence " the words " or held for residence only."

Mr. Clarke, of Jefferson, offered the following amendment to section 2 :

The exemptions provided for in the foregoing section shall accrue to the heirs of the party having enjoyed or taken the benefit of such exemption.

Mr. Humphries offered the following substitute for section 1 :

SEC. 1. A homestead embracing not exceeding forty acres of land held for agricultural purposes and for residence, or not exceeding one-half of one acre within the limits of an incorporated city or town held by any person residing in this State, and occupied by him or her as a home for himself or herself and family, and the improvements thereon, shall be exempt from forced sale under process of any court except as hereinafter mentioned; *Provided*, That the said lands shall not exceed five thousand dollars in value, and that the same shall not be alienable unless by the consent of both husband and wife, where such relation exists.

Mr. Humphries offered the following amendment to Section 2:

In line two strike "one thousand" and insert "five hundred."

Mr. Thompson offered the following amendment:

Add after "premises" in third section, line 4, "or for any manual labor performed by any person or persons for the owner or owners of a homestead."

Mr. Walter offered the following:

SECTION 1. A homestead to the extent of one hundred and sixty (160) acres of land, or the half of one (1) acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with the improvements on the real estate, shall be exempt from forced sale to the extent of \$2,500 in value, under any process of law; and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists, but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements than the residence and business house of the holder.

SEC. 2. In addition to the exemption provided for in the first Section of this Article, there shall be and remain exempt from sale by any legal process in this State, to the head of a family residing in this State, such property as he or she may select to the amount of one thousand (1,000) dollars. Nothing herein contained shall be so construed as to exempt any property from sale for the payment of the purchase money of the same, or for payment of taxes or labor.

SEC. 3. The exemptions provided for in Sections one (1) and two (2) of this Article shall accrue to the heirs of the party having enjoyed or taken the benefit of such exemption, and the exemption provided for in Section one (1) of this Article shall apply to all debts, except as specified in said section, no matter when or where the debt was contracted or liability incurred.

SEC. 4. Where the property is worth more in amount than three thousand (3,000) dollars and is sold to pay a judgment, decree or other indebtedness, there shall be first paid to the head of the family the four thousand (4,000) dollars so exempt in the first (1) and second (2) Sections.

Mr. Pasco offered the following amendments to the Article as reported by the committee:



Amend Article VI, Section 2, by inserting after "every" in first line "such," and striking out "or householder" in second line, add in third line after "law" "but such head of a family shall have the right to dispose of the property included in such exemptions."

SECTION 3. Substitute "same" for "premises" in fourth line, and add "or for claims against tenants and laborers for rent and advances."

SEC. 5. Amend so that it will read: "The homestead shall descend upon the death of the head of the family according to the rules of descent, but there shall be no partition thereof during the life of the widow and the continuance of her widowhood, except with her consent."

Mr. Sanchez offered the following amendment:

The homestead and exemption provided for by the Constitution of 1868 is hereby recognized, and when personal property has been exempted, or real property has been used as a homestead or impressed with that character, or set aside as provided by law, shall continue and inure to the heirs of the party having enjoyed the benefits of such homestead.

Mr. Lesley offered the following amendment:

Strike out in fourth line, section 1, after the word "her," the words "as a home."

Mr. ——— offered the following substitutes to sections 1, 2 and 3:

SECTION 1. The personal property of any resident of this State, who is the head of a family, to be selected by such resident, not exceeding in value one thousand dollars, shall be exempt from sale on execution or other process issued for the collection of debt created or incurred after the adoption of this Constitution.

SEC. 2. Any resident of this State who is the head of a family may select, own and occupy a homestead, which shall be exempt from the lien of any judgment or decree of any court, or from sale on execution or other process issued from any court for the collection of any debt created or incurred after the adoption of this Constitution; *Provided*, That such homestead shall not be exempt from taxes or assessments, or from debts contracted for the purchase thereof, or the erection of improvements thereon, or the performance of labor thereon.

SEC. 3. The homestead outside of any city, town or village, owned and occupied as a residence shall consist of not exceeding one hundred and sixty acres of land or less, with the improvements thereon to be selected by the owner; provided the same shall not exceed in value twenty-five hundred dollars,



and in no event shall the homestead be reduced to less than eighty acres without regard to value.

SEC. 4. The homestead in any city, town or village owned and occupied as a residence shall consist of not exceeding one half acre of land with the improvements thereon, to be selected by the owner, provided the same shall not exceed the sum of twenty-five hundred dollars, and in no event shall such homestead be reduced to less than one quarter of an acre without regard to value.

SEC. 5. If the owner of a homestead die intestate the homestead shall be exempt from his debts and descend to his heirs in accordance with the statute of descents that now is or hereafter may be of force in this State.

Mr. Coker offered the following amendment :

Amend section 1, in line six, after the word "mentioned," by inserting "not to exceed in value two thousand dollars."

Mr. Rogers offered the following amendment :

Amend section 1, Article VII, by adding in fifth line after the word "thereon" "not to exceed in value one thousand dollars."

Mr. Campbell offered to amend as follows :

Strike out all from "land," in first line to word "and" in second line of original.

Mr. Goss offered the following amendment :

That the improvement shall not exceed twenty-five hundred dollars including the lot or land.

Mr. Taylor offered the following substitute :

#### ORDINANCE NO. —.

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with five hundred dollars worth of personal property, shall be exempted from forced sale under any process of law, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said property, or for the erection of improvements on the real estate, or for house, field or other labor performed on the real estate ; *Provided*, That the value of such real estate shall not exceed three thousand dollars, to be ascertained by proceedings to be provided by law.

SEC. 2. The homestead and exemption provided for in section one of this Article shall accrue to the widow, minor heirs, and *feme sole* heirs of the party who shall have enjoyed or taken

the benefit of such homestead or exemption; and the exemptions provided for in section one of this Article shall apply to all debts, except as specified in said section, no matter when or where the debt was contracted or liability incurred.

Mr. Hausman offered the following amendment to Article VI:

Section 1, in line five, after the words "improvements thereon" insert "not to exceed 1,000 dollars." Section 2, in line two, strike out "1,000" and insert "500."

Mr. McCaskill offered the following amendment:

Insert after the word "mentioned," in sixth line, "*Provided*, All realty and personalty does not exceed (\$1,000.00) one thousand dollars."

Mr. Lesley offered the following amendment:

In eighth line, section 1, after the word "dwelling house" insert "or other buildings," and in same line after the word "family" the words "to the value of five thousand dollars."

Mr. Wellman offered the following amendment:

Strike out in lines one and three "any person" and insert "each head of a family."

Mr. Fowler offered the following substitute to Sections 1 and 2:

#### HOMESTEAD EXEMPTIONS.

SECTION 1. A homestead containing not exceeding eighty (80) acres of land, or not exceeding one-fourth ( $\frac{1}{4}$ ) of an acre of land within the limits of an incorporated city or town, held by any person being the head of a family residing in this State and used and occupied by him or her as a home for himself or herself and family, together with all the improvements and appurtenances thereon, shall be exempt from levy and forced sale under process of any court, except as hereinafter provided and mentioned, and the same shall not be alienable unless by the consent of husband and wife, where that relation exists, and no judgment or decree shall be a lien upon such exempted property, except as provided in this Article.

SEC. 2 There shall also be exempted from such levy and forced sale to every head of a family or homesteader residing in this State, personal property to the value of seven hundred dollars, the same to be selected by such head of a family in the manner provided by law.

Mr. Johnston offered the following substitute for Section 1, Article VI:

A homestead embracing not exceeding one hundred and sixty acres of land, held for agricultural purposes and for residence by the owner or holder thereof; or not exceeding one

acre within the limits of an incorporated city or town, held by any person residing in this State, and occupied by him or her as a house for himself or herself and family shall be set apart as a homestead. And no court or ministerial officer in this State shall ever have jurisdiction or authority to enforce any judgment, decree or execution against said property so set apart, including such improvements as may be made thereon from time to time, except for taxes, money borrowed and expended in the improvement of the homestead, or for the purchase money of the same, and for labor done thereon or material furnished therefor or removal of encumbrance thereon. And it shall be the duty of the Legislature as early as practicable to provide by law for the setting apart of said property, and to enact laws for the full and complete protection and security of the same to the sole use and benefit of said families aforesaid, and the same shall not be alienable unless by the consent of both husband and wife when such relation exists.

Mr. Morgan offered to amend Section 3 as follows:

After the word "premises" in fourth line, add "or for supplies furnished by merchants."

Mr. Bennett moved to reconsider the vote by which it was agreed to defer further action on Article VI until to-morrow.

Mr. Johnston moved to lay the motion to reconsider on the table;

Which was agreed to.

Article VII, on Married Women's Property, came up for consideration.

Section 1 was read.

Mr. Orman moved its adoption.

Mr. Blount offered the following substitute for Section 1:

Every woman now married or who shall hereafter be married shall have the same capacity to hold, manage, control, use, enjoy, dispose of, devise and bequeath all property real and personal in possession or expectancy, and to make any contract and to bind herself personally, and to sue and be sued, with all the rights and liabilities incidental thereto, as if she were not married;

Which was read.

The question was upon the adoption of the substitute.

Mr. Hocker offered the following amendment to the substitute:

Section 1, Article VII, insert the words "to acquire" before the words "to hold;"

Which was accepted.

Mr. Taylor offered the following amendment to the substitute:

*Provided*, That a married woman shall never be held personally liable for any contract entered into by her as security for her husband, or for any contract the consideration for which enured to the benefit of any other person than herself;

Which was accepted.

Mr. Baker moved that the substitute and amendments offered be spread upon the Journal, and further action thereon be deferred until to-morrow.

Mr. Sanchez moved to lay the motion on the table ;

Which was agreed to.

The question was on the adoption of the substitute as amended.

Mr. Johnston moved to lay the substitute on the table ;

Which was agreed to.

The question was upon the adoption of Section 1, as reported by the committee.

Mr. McClellan offered to amend as follows :

In line 3 strike out all of the section after the word " husband."

Mr. Hocker offered the following substitute for Section 1 :

All property, both real and personal of the wife, owned by her before marriage or acquired afterward by gift, devise, descent, purchase or by her labor or skill, shall be her separate property, and not liable for the debts of her husband.

The question was upon the adoption of the substitute.

Mr. Humphries offered to amend the substitute as follows :

Add " without her consent given by some instrument executed according to the law respecting conveyances by married women ;"

Which was accepted.

Mr. Goss offered to amend the substitute as follows :

That the property of the husband be not liable to the debts or contracts of the wife.

Mr. Tolbert moved to lay the substitute and amendment to substitute on the table ;

Which was agreed to.

Mr. Rogers moved that Section 1, as reported by the committee, be adopted ;

Which was agreed to.

Section 1 was then passed as reported.

Upon motion the Convention took a recess until 8 o'clock p. m. to-day.

## EIGHT O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Swearingen, Tedder, Tolbert, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—97.

A quorum present.

Mr. McKinnon moved that the Sergeant-at-Arms be required to furnish extra lights sufficient for the use of the Convention ;

Which was agreed to.

The Convention resumed the consideration of Article VII, on Married Women's Property.

Section 2 was read.

Mr. Lesley offered the following amendment :

Add after the last word in sixth line, Section 2, the words "with her knowledge and consent ;"

Which was read.

The question was upon the adoption of the amendment ;

Which was accepted.

Mr. Marshall offered to amend further as follows :

Strike out in line 5 after her, "knowledge or assent " and insert "consent in writing ;"

Which was read and withdrawn.

Mr. Clarke, of Jefferson, moved as a substitute that the whole section and amendment be stricken out.

The question was upon the adoption of the substitute to strike out ;

Which was not agreed to.

Mr. Sheats offered to amend as follows :

Amend line 3 by striking out "for money or thing due ;"



Which was not agreed to.

Mr. Pelot offered the following amendment :

Add after "thereon" in last line of Section 2, Article 7,  
*"Provided, Such obligation or indebtedness shall have been incurred with the consent of her husband."*

Mr. Malone moved to lay the amendment on the table ;

Which was agreed to.

Mr. Hicks offered the following substitute:

The rents and profits of a married woman's real and personal property may be sequestered upon any agreement made in writing signed by her husband and herself for the benefit of her separate property.

Mr. Malone moved to lay the substitute on the table ;

Which was agreed to.

Section 2 was then passed as amended.

Mr. Broome offered the following additional section :

SEC. —. In order to entitle a married woman to take advantage of the exemption from liability contained in section 1, a deed or inventory of her property must be recorded in the Clerk's office of the county in which such property is situated ;

Which was read.

Mr. Mann moved to lay the additional section on the table ;

Which was agreed to.

Section 3 was read and passed without amendment.

Mr. Herndon offered the following additional section :

Any and all widows owning less than three hundred dollars worth of property, including real and personal, shall not be required to pay taxes on the same ;

Which was read, and, upon motion, the proposed additional section was referred to the Committee on Taxation and Finance.

Article VII, on Married Women's Property, was passed as amended, and ordered spread upon the Journal and engrossed for a third reading.

## ARTICLE VII.

### MARRIED WOMEN'S PROPERTY.

SECTION 1. All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing executed according to the law respecting conveyances by married women.

SEC. 2. A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestrated for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings or repairs or improvements upon her property, or for agricultural or other labor bestowed thereon, with her knowledge and consent.

SEC. 3. The Legislature shall enact such legislation as shall be necessary to carry into effect this Article.

Mr. Paterson asked leave to have the two following sections read and referred :

The repeal or amendment of a statute relating to crimes or misdemeanors, or providing for the punishment thereof, shall not affect any offence committed prior to such repeal or amendment, nor the prosecution thereof, but the statute repealed or amended shall remain in full force as to any such offence and the prosecution thereof.

SECTION —. No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage ;

Which was read and referred to the Committee on Preamble and Declaration of Rights.

Mr. Paterson also obtained leave to have the following section read :

SECTION —. No Senator or Representative shall, during the time for which he was elected, be appointed or elected to any civil office which shall have been created, or the emoluments whereof shall have been increased during such time.

Mr. McClellan moved to lay the Section on the table ;

Which was not agreed to.

Article —, on Public Health, came up for consideration.

Section 1 was read.

Mr. Challen moved to strike out Section 1.

Mr. Sheats offered the following substitute for the whole Article, and moved its adoption :

Section 1. The Legislature shall establish a State Board of Health, define its powers, and provide for its maintenance.

SEC. 2. The Legislature shall establish County Boards of Health in counties where it may be deemed necessary, which Boards shall be under the supervision of the State Board of Health, as the Legislature may provide.

Pending discussion, Mr. Walter moved to adjourn until 9 o'clock A. M. to-morrow ;

Which was agreed to, and the Convention was so adjourned.

## NINETEENTH DAY.

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WEDNESDAY, JULY 1, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—  
104.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Resolution No. —, offered by Mr. Randolph, of Orange, on yesterday, was read as follows :

*Resolved*, That on the calling of the roll, or a call for the yeas and nays, any member not answering to the call, or refusing to vote, shall be marked "absent," or "not voting," as the case may be, and it shall so appear upon the Journal of the Convention.

The question was upon the adoption of the resolution ;

Which was not agreed to.

The following resolutions, articles and ordinances were introduced, read and referred to appropriate committees :

By Mr. Carr, Article No. 65 : Sections to be included in the Article on Education providing for equal facilities of education in all colleges and schools.

Article V, on Executive Department, came up for consideration on its third reading.

Section 8 was corrected by inserting the word "that" between the words "than" and "for," in line 9.

Section 11 was corrected by inserting the words "in cases," in place of the word "also," before the word "conviction," as engrossed, and insert "period" after "impeachment."

Section 15 was corrected by inserting the word "resume" in place of "assume."

Section 22 was corrected so as to make the three first words read "The Attorney-General."

Section 26 was corrected by adding the letters "er" to the word "Commission" in the first line.

Mr. Maxwell offered to amend section 3 as follows :

*Provided*, That these limitations of time shall not apply to the President of the Senate or Speaker of the House of Representatives, when under this Constitution, the powers and duties of Governor shall devolve upon them ;

Which was agreed to, and the section was so amended and adopted.

Mr. Clarke, of Jefferson, offered to amend Section 16 as follows :

Strike out all after and including the word "provided."

Mr. Rogers moved to lay the amendment on the table ;

Which was agreed to.

Mr. Randolph offered to amend Section 2 as follows :

After "begin," in line 7, add "on the 1st Tuesday after the 1st Monday in January after his election" striking out "on the day of assembling of the Legislature chosen at such election ;"

Which was agreed to, and the section was so amended.

Mr. Maxwell offered to amend Section 24 as follows :

Insert between the words "funds" and "bonds" in line 3, the words "or issue ;"

Which was agreed to, and the section was so amended.

Mr. Maxwell also offered the following amendment to section 25 :

Strike out all after "purposes" in fourth line, and insert "and perform such other duties as the Legislature may provide by law ;"

Which was agreed to, and the section was so amended.

Mr. Randolph offered the following substitute for Section 28 :

The Administrative officers of the Executive Department shall be installed on the same day as the Governor ;

Which was agreed to, and the substitute was declared adopted.

Mr. Maxwell moved that Article V be re-engrossed as amended, and that 200 copies be ordered printed for the use of the members of this Convention ;

Which was agreed to.

Article VIII, on County, Township and City Organization, came up on its first reading ;

Which was read by its title and placed among the orders of the day.

Article —, on Public Health, came up for consideration.

Mr. Conover, on behalf of the committee, asked leave to withdraw the original Article and offer the following in lieu thereof :

## ARTICLE — .

### PUBLIC HEALTH.

SECTION 1. The Legislature shall incorporate a Florida State Medical Association with the powers usually conferred upon such bodies.

SEC. 2. The Legislature shall establish a State Board of Health, a majority of whom shall be physicians, graduates of a recognized school of medicine. They shall be appointed by the Governor with the advice and consent of the Senate.

SEC. 3. The State Board of Health shall have supervision of all matters relating to public health, vital statistics, quarantine, the examination of persons desiring to practice medicine in this State, and such other duties, powers and responsibilities as may be prescribed by law, relating to the public health.

SEC. 4. The Legislature shall establish County Boards of Health in counties where it may be deemed necessary. They shall have such powers, and be under the supervision of the State Board of Health, to such an extent as the Legislature may provide.

SEC. 5. The Legislature shall provide the necessary laws for carrying into effect the provisions of this Article ;

Which was granted.

Mr. Challen moved that the further consideration of this Article be deferred until to-morrow, and that the substitute Article be spread upon the Journal, and 200 extra copies of the Article be ordered printed for the use of the members ;

Which was agreed to, and such was the order.



Article VI, on Homestead Exemption, came up for consideration.

Vice-President Yonge was called to the chair.

Section 1 was read.

Mr. McClellan moved that the Convention resolve itself into a Committee of the Whole to consider Article VI;

Which was not agreed to.

Section 1 was again read.

The amendment offered by Mr. Walter on yesterday was read as follows:

Insert on line 5, after the word "thereon," "to the value of twenty-five hundred dollars."

Mr. Humphries offered the following amendment to the amendment:

Strike out "twenty-five hundred," and insert "one thousand;"

Which was read.

The question was upon the adoption of the amendment offered by Mr. Humphries.

Pending discussion, Mr. Baker moved to take a recess until 5 o'clock p. m., to-day;

Which was agreed to.

## FIVE O'CLOCK P. M.

The Convention resumed its session.

Vice-President Yonge in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter,

Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—101.

A quorum present.

The consideration of Section 1, Article VI, was resumed.

The question was upon the amendment to the amendment.

Mr. Randall, of Duval, offered the following proposition as a basis for action for the purpose of expediting business in considering Article VI :

Questions on the Homestead Article shall be considered and voted upon as follows :

1. Shall there be an exemption from forced sale for debts, of real property ? Of personal property ?

2. Shall there be a limitation as to extent or quantity ? Shall there be a limitation as to value ?

3. Shall the value relate to value of land ? or to improvements ? or to both ? What value ?

4. What shall be the value of personal property exempted ?

5. What shall be the limitation as to value and quantity of land ? In a town or city ? Outside of town or city ?

6. Shall the exemption be in favor of the head of a family ? or in favor of any unmarried male or female ?

7. Shall the exempted homestead be subject to sale by owner and wife ? or to lien by their mortgage ?

8. Shall any general judgment or money decree be a lien on the homestead, so that at the alienation by the owner, or at his death, or the death of his wife and children, the property may be liable to be sold for debts ?

Mr. Maxwell asked the unanimous consent of the Convention to take up the proposition ;

Which was granted.

The question was, " Shall there be an exemption of real property from forced sale ? "

Which was agreed to.

The question was, " Shall there be an exemption from forced sale of personal property ? "

Which was agreed to.

The question then was, " Shall there be a money value placed upon the real property exempted ? " and pending the discussion of the question, the Convention, on motion of Mr. Parsons, adjourned until 9 o'clock A. M. to-morrow.

## TWENTIETH DAY.

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THURSDAY, JULY 2, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malore, Mann, Marshall, Miller, Milton, Mitchell, Morgan, McCaskill, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyllly, Yonge and Zipperer—104.

A quorum present.

Prayer by the Chaplain.

Mr. Fowler moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Robertson was excused for the day, on account of sickness.

Mr. Henderson was excused until Tuesday.

Hon. J. W. Ashby, of Gainesville, was invited to a seat within the bar.

Mr. Carter introduced the following resolution :

*Resolved*, That the services of the clerks of the committees, employed by authority of this Convention, be dispensed with after July 4th ;

Which was read and laid over under the rules.

The roll of committees was called, and the following reports were offered :

Mr. Wall, Chairman of the Committee on Education, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 1, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your committee on Education to whom was referred all matters on the subject, beg leave to report that they have carefully considered each and every document referred to them, and recommend that resolutions, memorials, ordinances, &c., herewith enumerated and returned and not embodied in this report, do lie upon the table, which are as follows: Communication of J. Kost, praying for provision being made for sustenance of the University at Tallahassee. Memorial from the citizens of Columbia county, presented by Mr. Bush, relating to the Agricultural College. Resolution No. 108, by Mr. Hendley, of Hernando, prescribing the school term, and providing for compulsory education. Resolution No. 122, by Mr. Carson, providing for a per capita tax for school purposes, and other matters relating to schools. Resolution No. 40, by Mr. Bush, providing for a special tax for the Agricultural College. Resolution No. 106, by Mr. Scott, fixing a tax for school purposes, and levying a county school tax subject to a vote of the qualified electors of the county. Ordinance No. 22, by Mr. Sheats, providing separate and equal public schools for whites and blacks, which your Committee have embodied in their Article, Resolution No. 145, by Mr. Rogers, assessing  $\frac{1}{8}$  of a mill on the dollar for the benefit of the Agricultural College and 1-6 of one mill for the benefit of the East and West Florida Universities.

Article on Education, by Mr. Love, of Gadsden.

Ordinance No. 21, by Mr. Sheats, providing for the sub-division of counties into school districts, and authorizing districts to vote a special tax for school purposes, embodied in your committee's report.

Ordinance No. 4, by Mr. Marshall, providing for a uniform system of Common Schools and a University, and the liberal maintenance of the same.

Resolution No. 123, by Mr. Hatch, of Lafayette, making County Commissioners *ex-officio* members of the Board of Public Instruction.

Ordinance No. 32, by Mr. Sheats, preventing the lending or the application of school funds to other purposes, which your committee embodied in its report.

Resolution No. 137, by Mr. Fowler, of Putnam, in behalf of

the Common Schools, Agricultural College, the East and West Florida Seminaries.

Resolution No. 133, by Mr. Bell, of Brevard and Dade, providing for the maintenance of the Common Schools, the Agricultural College, the East and West Florida Seminaries.

Resolution by Mr. Gibbs, of Duval, relating to the establishment of a branch of the State Agricultural College for persons of color, to be located at Jacksonville.

Your committee herewith present Article IX, on the subject of Education, and recommend that it be adopted as a substitute for the various matters to them referred.

Very respectfully,

J. P. WALL,  
Chairman of Committee on Education.

## ARTICLE IX.

### EDUCATION.

SECTION 1. The Legislature shall provide for a uniform system of Public free Schools, and shall provide for the liberal maintenance of the same.

SEC. 2. There shall be a Superintendent of Public Instruction, whose duties shall be prescribed by law, and whose term of office shall be four years and until the election and qualification of his successor.

SEC. 3. The Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Schools shall constitute a body corporate, to be known as the State Board of Education of Florida, of which the Governor shall be President, and the State Superintendent Secretary. This Board shall have power to remove for cause and upon notice to the incumbent, any subordinate school officer; and shall have, regulated by law, the management and investment of all State school funds, and such supervision of schools of higher grades as the law shall provide.

SEC. 4. The State School Fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources:

The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes.

Donations to the State when the purpose is not specified.

Appropriations by the State.

The proceeds of escheated property or forfeitures.

Twenty-five per centum of the sales of public lands which are now or may hereafter be owned by the State.



SEC. 5. The principal of the State School Fund shall remain sacred and inviolable.

SEC. 6. A special tax of one (1) mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of public free schools.

SEC. 7. Provision shall be made by law for the distribution of the interest on the State School Fund and the special tax among the several counties of the State in proportion to the number of children residing therein between the ages of six and twenty-one years.

SEC. 8. Each county shall be required to assess and collect annually for the support of public free schools therein a tax of not less than three (3) mills nor more than five (5) mills on the dollar of all taxable property in the same.

SEC. 9 The County School Fund shall consist of the proportion of the interest of the State School Fund apportioned to the county, all fines collected under the penal laws of the State within the county, all licenses and capitation taxes collected within the county, and shall be disbursed by the County Board of Education solely for the maintenance and support of public free schools.

SEC. 10. The Legislature shall provide for the subdivision of counties into convenient School Districts, for the election annually of one of three School Trustees, who shall have supervision of all the schools in the district, and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors who are freeholders thereof shall cast their ballots in favor of such levy; *Provided*, That any tax authorized by this section shall not exceed four (4) mills on the dollar in any one year on the taxable property of the district.

SEC. 11. Any incorporated town or city may constitute a School District. The fund raised by Section 10 may be expended in the district where levied in building or repairing school houses, in the purchase of school libraries and textbooks, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable.

SEC. 12. White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

SEC. 13. No law shall be enacted authorizing the diversion or the lending of any county or district school funds, or the appropriation of any part of the permanent or available school

fund to any other than school purposes; nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school.

SEC. 14. The Legislature shall make such provision as will secure a uniform system of text-books in the public free schools of the State, and shall have power to make such laws as shall not permit parents and guardians to allow their children or wards to grow up in ignorance and vagrancy.

Which was read.

Mr. Sheats, of the same committee, offered the following minority report:

CONVENTION HALL, TALLAHASSEE, FLA., July 2, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: The undersigned being a minority of your Committee on Education, to whom was referred all resolutions, petitions, &c., pertaining to the subject matter, fully concur with the majority of your committee in the Article as already presented, but beg leave to submit a minority report in the recommendation of additional Sections in regard to higher education, embodying in said sections our own ideas in relation to the same, and the suggestions contained in the Resolutions of Mr. Bush, of Columbia, Mr. Rogers, of Suwannee, Mr. Bell, of Brevard and Dade, Mr. Fowler, of Putnam, and Mr. Gibbs, of Duval. Said additional Sections are herewith submitted and we ask that the same may be printed in connection with the report of your Committee on the subject of Education.

Very respectfully,

W. N. SHEATS,

W. M. IVES.

#### ADDITIONAL SECTIONS.

SEC. 15. The Legislature shall make provision for the conversion of the State Agricultural College into a State University, with Agricultural, Literary, Industrial and Military Departments, and with exclusive power to confer the higher degrees; shall provide for connecting and for increasing the efficiency of the East Florida Seminary, located at Gainesville, and the West Florida Seminary, located at Tallahassee, as Branches of the State University, without changing their locations; and shall provide for a College, Normal School or Branch of the State University for the benefit of the colored youths of the State, as the best interests of their education may demand; *Provided*, That in case the Legislature shall

require the levying of a special tax for higher education, that such levy shall not exceed, in any one year, one-quarter of one mill on the dollar of all the taxable property of the State, and shall be apportioned equally to or set apart for the benefit of each of the four institutions above enumerated.

SEC. 16. The State University, the Seminaries and the other institution contemplated in the above section, shall each be under the management and control of a Board of Trustees; said Trustees shall be appointed by the Governor with the advice and consent of the Senate, for the term of four years, not more than two of whom shall reside in the same Senatorial District, and so arranged that the term of office of one-half the members of each Board shall expire biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor and Superintendent of Public Instruction shall be *ex-officio* members of each of said Boards of Trustees.

Which was also read, and both reports and accompanying papers placed among the orders of the day.

Mr. Walter moved that 200 copies of the Ordinance reported by the committee be printed:

Which was agreed to, and it was so ordered.

Mr. McCaskill, Chairman of the Committee on Taxation and Finance, made the following report;

CONVENTION HALL, TALLAHASSEE, FLA., July 2, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your committee on Taxation and Finance to whom was referred—

Resolution No. 29, introduced by Mr. Edge, of Walton county, exempting property of widow women and maimed persons to the extent of one hundred and fifty dollars from taxation, have had the same under consideration, and would recommend the following as an additional section to Article XII:

SEC. 10. That there shall be exempt from taxation personal property to the value of two hundred dollars to every widow who has a family dependent upon her for support, and to every person who has lost a limb in war or by misfortune.

Your committee have also had under consideration Mr. Parkhill's amendment to Article XII, line eight, exempting Ice manufactories from taxation; also, Resolution No. 149, by Mr. Randell, of Madison, and return the same with the recommendation that they be laid upon the table. With the above

recommendations the committee herewith return to the Convention the Article as recommitted.

Very respectfully,

A. L. McCASKILL,  
Chairman of Committee.

Which was read.

Mr. Fowler, of the same committee, made the following minority report :

HON. SAMUEL PASCO,

*President Constitutional Convention :*

SIR: As members of the Committee on Taxation and Finance we respectfully beg leave to make the following report :

We do most earnestly protest against the exemption from taxation for the period of ten years from the adoption of the Constitution, the capital, machinery and other property employed in the manufacture of various articles as fully set forth and specified in Section 1 of Article 12, believing the same to be class legislation, opening the door wide for future exemptions and opposed to the wishes and interests of the people of this State.

Respectfully submitted,

GEO. P. FOWLER,  
JNO. PARSONS.

Which was read and the two reports and accompanying papers were placed among the orders of the day.

Two hundred copies of the additional Section was ordered printed.

Mr. Oliveros, Chairman of the Committee on Engrossment and Enrollment, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 2, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Engrossment and Enrollment to whom was referred—

Article No. IV, have examined and compared the same and find it properly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.  
SAMUEL E. HOPE,  
H. H. DUNCAN,  
THEODORE RANDELL,

Committee.

Which was received.



Mr. Oliveros arose to a personal explanation in regard to the motion made by him to expunge from the Journals so much as related to the resolution offered by Mr. Baker, of Nassau, with reference to married women; he did so without any reflection towards Mr. Baker, as he believed the resolution was offered with pure motives and not as a reflection against any individual, and the motion to expunge was also made in like good faith without reflection to Mr. Baker.

Upon motion of Mr. Walter, ex-Governor Bloxham was invited to a seat within the bar.

Mr. Bethel moved that Article IV be taken up for a third reading;

Which was agreed to.

Article IV, on Legislative Department, was then read the third time, and the following corrections were made:

In Section 18, strike out the letter "s" at the end of word "practices."

Strike out the word "and" after the word "children," and before the word "relieving."

Mr. Baker offered to amend as follows:

SEC. 6. *Provided*, This section shall not apply to Notaries Public and officers of the militia.

Mr. Oliveros offered the following substitute:

Notaries Public, Justices of the Peace and county commissioners excepted.

Mr. Goss moved to lay both the amendment and substitute therefor on the table;

Which was agreed to.

Mr. Bethel moved to strike out the word "Assembly" wherever it may appear, and insert the words "House of Representatives;"

Which was agreed to.

Mr. Malone offered the following amendment:

Strike out "November" and insert in lieu thereof the word "October."

Mr. McClellan moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bennett, Bethel, Blackburn, Bush, Campbell, Carter, Carr, Carson, Challen, Coker, Cook, Davidson, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hendley, Henderson, Hicks, Hunter, Landrum, Lutterloh, Marshall, Maxwell, Miller, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Parsons, Pelot, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Speer, Swearingen, Thompson, Tolbert, Walter, West-



cott, Whitmire, Wilson of Clay and Wilson of Polk and Manatee—57.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Blount, Chandler, Clarke of Jefferson, Clark of Jackson, Conover, Davis, Duncan, Earle, Hausman, Herndon, Hocker, Humphries, Ives, Johnston, Jones, Lesley, Love, Malone, Mann, Milton, Orman, Parker, Parkhill, Paterson, Randell of Madison, Randolph, Richard, Scott, Sheats, Stone, Taylor, Tedder, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Wellman, Wyly, Yonge and Zipperer—43.

So the motion to lay upon the table was agreed to.

Mr. Baker offered the following amendment to Section 4 :

*Provided*, The Senate shall not elect its presiding officer for the year 1887.

Mr. Speer moved to lay the amendment on the table ;

Which was agreed to.

Mr. Marshall moved to reconsider the vote by which Section 2 was passed.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bush, Campbell, Carter, Carr, Chandler, Earle, Edge, Goodbread, Goss, Green, Hargret, Hatch, Herndon, Hicks, Hunter, Johnston, Mann, Marshall, Miller, Mitchell, McCaskill, McKinnon, Neel, Odom, Paterson, Rogers, Sanchez, Sheats, Swearingen, Taylor, Thompson, Tolbert, Weeks and Zipperer—35.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Broome, Carson, Challen. Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Fogarty, Fowler, Genovar, Gibbs, Gillis, Hausman, Hendley, Henderson, Hocker, Hope, Humphries, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McClellan, Oliveros, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Scott, Speer, Stone, Tedder, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Wellman, Westcott, Whitmire, Wilson of Clay, Wyly and Yonge—66.

So the motion to reconsider was not agreed to.

Mr. Clarke, of Jefferson, offered the following additional section :

SECTION —. No law shall take effect until sixty days from the final adjournment of the session of the Legislature at which it may have been enacted, unless otherwise specially provided in such law ;

Which was read.

The question was upon the adoption of the additional section ;

Which was agreed to.

Mr. Yonge moved to reconsider the vote by which Section 19 was passed.

Mr. Marshall moved to lay the motion to reconsider on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Bush, Campbell, Carter, Carr, Challen, Chandler, Conover, Cook, Davidson, Duncan, Edge, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hunter, Lewis, Lutterloh, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McKinnon, Neel, Parker, Parsons, Paterson, Petty, Randolph, Speer, Stone, Thompson, Tolbert, Walker, Jr., Wall, Wyly and Zipperer—55.

Nays—Messrs. Bethel, Broome, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Earle, Fogarty, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Love, Malone, Mann, McClellan, Odom, Oliveros, Orman, Parkhill, Pelot, Randall of Duval, Randell of Madison, Richard, Rogers, Rowe, Scott, Sheats, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee and Yonge—44.

So the motion to lay upon the table was agreed to.

Mr. Bethel asked unanimous consent to correct section 3, by striking out the word "Assembly" and insert the word "Legislature ;"

Which was granted.

Mr. Paterson offered the following additional section :

Section 5. No Senator or Representative shall, during the time for which he was elected, be appointed or elected to any civil office under the Constitution of this State, which shall have been created, or the emoluments whereof shall have been increased during such time ;

Which was adopted.

Mr. Miller offered the following additional section :

Section — No bill granting, extending, or renewing any corporate privilege or franchise shall be considered by either house of the Legislature until the same shall have been printed and laid on the table of each House for three days, such printing to be at the cost of the corporation or person asking the grant, extension or renewal of such franchise or privilege.

Mr. Yonge moved to lay the additional section on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Broome, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Hausman, Hendley, Herndon, Hicks, Humphries, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyllly and Yonge—67.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Bush, Carr, Chandler, Conover, Earle, Goss, Green, Hargret, Hunter, Lewis, Marshall, Miller, McKinnon, Neel, Parker, Petty, Randall of Duval, Thompson, Tolbert, Walker, Jr., and Zipperer—25.

So the motion to lay upon the table was agreed to.

Mr. Bethel moved that Article IV be re-engrossed as corrected and amended, and that 200 copies be printed for the use of the delegates.

Mr. Conover moved that no further amendments be allowed to Article IV ;

Which was agreed to.

Ordinance No. —, on Temperance, was read the first time and placed among the orders of the day.

Article No. —, on Public Health, was read the second time.

Mr. Walker offered the following two sections as a substitute for section 1 of original Article :

SECTION 1. It is the duty of the State to make ample provision for the protection of the public health.

SEC. 2. The Legislature shall provide for a State Medical Association, with powers, duties and responsibilities necessary to carry out the purposes for which said Association shall be created ;

Which was accepted.

Section 1 was read.

Mr. Baker offered the following substitute :

The Legislature shall provide by law for a State Board of Health, with such duties as may be prescribed by law ; a majority of the members of said Board shall be practicing physicians ;

Which was read.

Mr. Gillis offered the following amendment to the substitute:

SEC. 1. The Legislature shall establish a State Board of Health and also County Boards of Health in all counties where it may be necessary;

Which was read.

Mr. Mann moved to lay the amendment to the substitute on the table;

Which was not agreed to.

Mr. McClellan moved to adopt the amendment to the substitute;

Which was agreed to.

The question was then upon the adoption of the substitute as amended.

Mr. Parsons offered to amend as follows:

The Boards of Health shall have no authority as to licensing or preventing any person practicing medicine;

Which was read.

Mr. Love moved to lay the whole subject matter on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Campbell, Carter, Clark of Jackson, Davis, Earle, Edge, Fowler, Goodbread, Green, Hatch, Hausman, Herndon, Hicks, Love, Malone, Milton, Morgan, McCaskill, Neel, Orman, Paterson, Scott, Stone, Swearingen, Tolbert and Wilson of Clay—26.

Nays—Messrs. Baker, Bennett, Bethel, Broome, Bush, Carr, Carson, Challen, Chandler, Coker, Cook, Davidson, Duncan, Fogarty, Genovar, Gibbs, Gillis, Goss, Hargret, Hope, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Lutterloh, Mann, Marshall, Maxwell, Miller, McClellan, McKinnon, Odom, Oliveros, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Sheats, Speer, Taylor, Tedder, Thompson, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Westcott, Wilson of Polk and Manatee, Wylly and Zipperer—64.

So the motion to lay upon the table was not agreed to.

The question was then upon the amendment offered by Mr. Parsons;

Which was not agreed to.

Mr. Blount, of Escambia, was indefinitely excused.

Messrs. Whitmire, Clark of Jackson, Robertson, Yonge and Hargret were each excused until Tuesday.



Upon motion the convention took a recess until 5 o'clock P. M. to-day.

## FIVE O'CLOCK P. M.

The Convention resumed its session.

Hon. Samuel Pasco, President, in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Carter, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—99.

A quorum present.

The consideration of the Article on Public Health was resumed.

Mr. Bethel moved the previous question on the adoption of the substitute to section 1 as offered by Mr. Gillis.

The previous question was ordered, and the substitute was adopted as follows:

SEC 1. The Legislature shall establish a State Board of Health and also County Boards of Health in all counties where it may be necessary.

The committee then offered the following as a substitute for the remaining sections of the article:

SECTION 2. The State Board shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

SECTION 3. The County Boards of Health shall have such power and be under the supervision of the State Board to such extent as the Legislature may provide.

Which was adopted, and the article as amended ordered engrossed for a third reading, and 200 copies ordered printed.



SECTION 1. The Legislature shall establish a State Board of Health, and also County Boards of Health, in all counties where it may be necessary.

SEC. 2. The State Board shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

SEC. 3. The County Boards of Health shall have such powers, and be under the supervision of the State Board to such extent as the Legislature may provide.

The Convention resumed the consideration of Article VI, on Homestead Exemptions.

The question was, Shall there be a money value placed upon the real property exempted?

Vice-President Lesley was called to the chair.

The question was, Shall there be a money valuation of the real property exempted from forced sale?

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bennett, Bethel, Broome, Campbell, Carter, Carr, Carson, Coker, Cook, Fogarty, Genovar, Gillis, Hargret, Hatch, Humphries, Jones, Lesley, Lewis, Maxwell, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Oliveros, Parsons, Randall of Duval, Randell of Madison, Sheats, Swearingen, Taylor, Thompson, Walter, Wellman and Wilson of Polk and Manatee—35.

Nays—Mr. President, Messrs. Baker, Bell of Brevard, Bell of Hamilton, Blackburn, Bush, Chandler, Clarke of Jefferson, Conover, Davidson, Davis, Duncan, Earle, Edge, Fowler, Gibbs, Goodbread, Goss, Green, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Johnston, Landrum, Love, Lutterloh, Malone, Marshall, Miller, Milton, Neel, Odom, Orman, Parker, Parkhill, Paterson, Pelot, Randolph, Richard, Rowe, Sanchez, Scott, Speer, Stone, Tedder, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Westcott, Wilson of Clay, Wylly and Zipperer—60.

So the proposition was not agreed to.

Mr. Hicks was excused until Wednesday next on account of sickness.

On motion, the Convention adjourned until 9 o'clock A. M. to-morrow.

## TWENTY-FIRST DAY.

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FRIDAY, JULY 3, 1885.

The Convention met pursuant to adjournment.

President Pasco in the Chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Carter, Carr, Carson, Chandler, Clarke of Jefferson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—100.

A quorum present.

Prayer by the Chaplain.

Mr. Hatch moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

On motion of Mr. Sheats, Professor Cater, of Gainesville, was invited to a seat within the bar.

Mr. Thompson moved that Professor Rivers be invited to a seat within the bar ;

Which was agreed to.

The following resolution offered by Mr. Carter on yesterday was read :

*Resolved*, That the services of the clerks of the committees, employed by authority of this Convention, be dispensed with after July 4th.

Mr. Turnbull moved to lay the resolution on the table ;  
Which was agreed to.

Mr. Hargret introduced Resolution No. 159 : On Homestead ;  
Which was read and referred to Committee on Homestead  
Exemptions.

Mr. Conover introduced the following resolution :

*Resolved*, That when the Convention adjourns to-day it be  
to meet on Monday, July 6th, at 4 o'clock P. M.

Mr. Bethel moved to lay the resolution on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bell of Hamilton,  
Bennett, Bethel, Campbell, Carter, Cook, Davidson, Davis,  
Duncan, Earle, Fogarty, Fowler, Gibbs, Gillis, Goodbread,  
Hatch, Hausman, Hendley, Hicks, Hocker, Johnston, Landrum,  
Lesley, Love, Malone, Mann, Marshall, Maxwell, Milton, Mor-  
gan, McCaskill, McKinnon, Neel, Odom, Orman, Parker, Park-  
hill, Pelot, Randall of Duval, Randolph, Rogers, Rowe, Sanchez,  
Speer, Stone, Swearingen, Taylor, Tolbert, Turnbull, Wads-  
worth, Wall, Walter, Weeks, Westcott, Wilson of Polk and  
Manatee and Wylly—57.

Nays—Messrs. Baker, Blackburn, Bush, Carr, Chandler,  
Clarke, of Jefferson, Coker, Conover, Edge, Genovar, Goss,  
Green, Hargret, Herndon, Hope, Humphries, Hunter, Ives,  
Jones, Lewis, Lutterloh, Miller, Mitchell, McClellan, Oliveros,  
Parsons, Paterson, Petty, Randell of Madison, Richard, Sheats,  
Tedder, Thompson, Wellman, Wilson of Clay and Zipperer  
—35.

So the motion to lay on the table was agreed to.

Mr. Mann offered the following resolution :

*Resolved*, That we adjourn to-day to meet next Tuesday at  
3 o'clock P. M., and during such adjournment no pay shall be  
allowed any member of this Convention for the days Satur-  
day and Monday.

Mr. Turnbull moved to lay the resolution on the table ;

Which was agreed to.

Mr. Walter asked the unanimous consent of the Convention  
to introduce the following resolution :

*Resolved*, By the people of the State of Florida, through  
their delegates in Convention assembled on the eve of the an-  
niversary of our Natal Day, That we extend to General U. S.  
Grant and family our heartfelt sympathy in this their hour of  
affliction, and hope that a kind Providence will soon restore  
the General to health and happiness ;

Which was adopted.

The roll of committees being called the following reports were offered :

Mr. Hocker, Chairman of the Committee on Public Institutions, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 2, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Public Institutions to whom was referred—

An ordinance in relation to the establishment and maintenance of Universities for persons of color, offered by Mr. Thompson, of Leon, beg leave to report that they have considered the same, and that the subject matter properly belongs to the Committee on Education, and respectfully return it with the recommendation that it be referred to that committee.

They also report that Article No. 52, offered by Mr. Sanchez, of Alachua, is substantially the same as one offered by Mr. Lutterloh, of Levy, and heretofore reported on by this committee. They therefore recommend that it be laid on the table.

Very respectfully,

W. A. HOCKER,

Chairman of Committee.

Which was received, and the accompanying papers were placed among the orders of the day.

Mr. Oliveros, Chairman of the Committee on Enrollment and Engrossment made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 3, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Engrossment and Enrollment, to whom was referred—

Articles No. 5 and 7, and Preamble and Bill of Rights, beg to report that they have examined and compared the same and find them properly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman,

THEODORE RANDELL,

S. E. HOPE,

Committee.

Which was received.

Mr. Gillis, Chairman of the Committee to Revise and Supervise the Journal, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 2, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Revising the Journal, report that they have revised same to the 16th day.

Very respectfully,

IRVING GILLIS, Chairman.

Which was received.

Mr. Randall, of Duval, offered a Resolution Relating to Riparian Owners ;

Which was referred to the Committee on Miscellaneous Provisions.

Mr. Maxwell offered an Ordinance Relating to the Office of Lieutenant-Governor ;

Which was referred to the Committee on Schedule.

The Preamble and Declaration of Rights was called up for consideration and read the third time.

On motion of Mr. Lesley, Hon. D. S. Walker and ladies accompanying him, were invited to seats within the bar.

The consideration of the Preamble and Declaration of Rights was resumed.

Mr. Maxwell moved to reconsider the vote by which Section 8 of the Preamble and Declaration of Rights was passed.

Mr. Malone moved to amend section 8 as follows :

Strike out the words "or otherwise infamous ;"

Which was not agreed to.

Mr. Taylor offered to amend section 8 as follows :

Strike out "or otherwise infamous crime" and insert "crime or other felony."

Mr. Randall, of Duval, moved that section 8, with the proposed amendment, be referred back to the committee ;

Which was not agreed to.

The question was then upon the adoption of the amendment offered by Mr. Taylor ;

Which was agreed to.

The question was then upon the final adoption of the Preamble and Declaration of Rights.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Carter, Carr, Carson, Coker, Cook, Davidson, Duncan, Earle, Edge, Fogarty, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Hern-don, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston,



Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Pettv, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—89.

Nays—Messrs. Chandler, Clarke of Jefferson, Conover, Davis, Fowler, Miller and Parkhill—7.

So the Preamble and Declaration of Rights was adopted as amended.

Mr. Milton moved that the Preamble and Declaration of Rights be re-engrossed as amended and be kept in the custody of the Huose.

Mr. Conover moved that when the Convention adjourn, it be until 4 o'clock, P. M., Monday.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bush, Carr, Coker, Hargret, Hausman, Hicks, Humphries, Hunter, Ives, Lutterloh, Mann, McClellan, Oliveros, Paterson, Petty, Randell of Madison, Richard, Rogers, Sheats, Thompson, Walker, Jr., Wilson of Clay and Zipperer—23.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Carter, Chandler, Clarke of Jefferson, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hatch, Hendley, Herndon, Hocker, Johnston, Jones, Landrum, Lesley, Lewis, Love, Malone, Marshal, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Pelot, Randall of Duval, Randolph, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Wilson of Polkn and Manatee and Wyly—72.

So the motion was not agreed to.

Mr. Tolbert moved that when the Convention adjourn it be till 10 o'clock A. M. Monday.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bethel, Blackburn, Broome, Carter, Clarke, Cook, Davidson, Davis, Earle, Edge, Fogarty Fowler, Genovar, Gillis, Goodbread, Goss, Hatch, Hendley, Hunter, Ives, Jones, Lesley, Love, Ma-

lone, Maxwell, Milton, Morgan, McCaskill, McKinnon, Neel, Odom, Parker, Parsons, Pelot, Randall of Duval, Randolph, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wall, Weeks, Westcott, Wilson of Polk and Manatee, Wyly and Zipperer—54.

Nays—Messrs. Baker, Bennett, Bush, Carr, Carson, Chandler, Coker, Conover, Duncan, Gibbs, Green, Hargret, Hausman, Herndon, Hicks, Hocker, Humphries, Johnston, Landrum, Lewis, Lutterloh, Marshall, Miller Mitchell, McClellan, Oliveros, Orman, Parkhill, Paterson, Petty, Randell of Madison, Richard, Rogers, Sheats, Thompson, Wadsworth, Walker, Jr., Walter, Wellman and Wilson of Clay—40.

So the motion was agreed to.

Mr. McCaskill moved to reconsider the vote just taken, and to lay the motion to reconsider on the table ;

Which was agreed to.

Article XII, on Taxation and Finance, was read the first time by its title and placed among the orders of the day.

Mr. Hocker, Chairman of the Committee on Public Institutions, gave notice that he would call up Article X, on Public Institutions, for its third reading on Tuesday.

Article VI, on Homestead Exemptions, came up for consideration.

Mr. Maxwell offered the following substitute for Article VI :

## ARTICLE VI.

### HOMESTEAD EXEMPTION.

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, with the dwelling-house and necessary out-houses and fences on such land, together with one thousand dollars worth of personal property, shall be exempted from forced sale under any process of law, and the real estate shall not be alienable, except by will, without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of the same, or for the erection of improvements on the lands, or for house, field or other labor performed on the same.

SEC. 2. The exemption of lands and buildings provided for in the previous section shall be so limited that the value will not exceed five thousand dollars ; *Provided*, This limitation shall not apply outside a city or town to forty acres or less

used for the growth of agricultural or other products therefrom, or for any farming industries, on which is the dwelling-house and other houses and improvements connected with such use ; nor shall it apply to the lands in a city or town on which is the dwelling-house and other buildings connected therewith used for the purposes of a family residence, unless also used for business purposes.

SEC. 3. After the death of any party entitled to the exemptions herein provided for, such exemptions shall accrue to the widow and minor children of such party, and to others dependent on such party for support and maintenance at the time of death.

SEC. 4. The Legislature shall by law provide the mode of ascertaining the exemptions in cases where the limitations herein provided for shall apply ; and shall also pass such laws as may be needed to give effect to exemptions after the death of the party entitled to the same.

Which was ordered printed.

Mr. Orman moved that the further consideration of Article VI be deferred until Tuesday ;

Which was agreed to.

Ordinance No. 1, on temperance, came up for consideration.

Section 1 was read.

Mr. Walter moved to amend by striking out the word "two" wherever it may appear and insert the word "four" in lieu thereof.

Mr. Parsons offered the following amendment :

Strike out the words "intoxicating liquors, either spirituous, vinous or malt," and insert "distilled liquors as a beverage."

Mr. McClellan offered the following substitute for the whole article :

The Legislature shall pass such laws as are necessary to submit to a vote of the qualified electors of every county in this State the question as to the mode or manner of selling or not selling spirituous liquors in the respective counties of the State.

Mr. Turnbull moved that further consideration of Ordinance No. —, on Temperance, be deferred till Wednesday morning at 10 o'clock.

Mr. Walker offered the following article :

The Seat of Government shall be at the City of Tallahassee ;

Which was referred to the Committee on Miscellaneous Provisions.

By consent of the House Mr. Humphries offered the following substitute for Article —, on Temperance:

SECTION 1. The Board of County Commissioners of each county in the State shall order an election to be held in the several election districts on the first Tuesday after the first Monday in September, A. D. 1887, and every two years thereafter, to determine whether intoxicating liquors, either spirituous, vinous or malt, shall be sold in the said districts of the several counties within the period of two years from the holding of said election, the question to be determined in the negative by a majority vote of those voting at said election. Elections under this section shall be conducted in the same manner as provided by law for holding general elections.

Which was ordered spread upon the Journal.

The following members were excused until Tuesday:

Messrs. Carson, Miller, Coker, Goodbread, Oliveros, Richard, Petty, Lewis, Rogers, Mann, Lutterloh, Zipperer, Blackburn, McClellan, Campbell, Conover, Carr, Thompson, Mitchell, Wilson of Clay, (Stephens, Reading Clerk), Johnston, Neel, Wadsworth and Sheats.

The following members were excused until Wednesday:

Messrs. Baker, Bush, Ives and Walter.

On motion of Mr. Baker, the Convention adjourned until 10 o'clock A. M., Monday.

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## TWENTY-SECOND DAY.

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MONDAY, JULY 6, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Broome, Carter, Carr, Chandler, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Hatch, Hendley, Hernon, Hicks, Hocker, Landrum, Lesley, Malone, Marshall, Maxwell, Milton, Mitchell, Morgan, McCaskill, McKinnon,

Odom, Orman, Parker, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Rowe, Sanchez, Scott, Speer, Stone, Taylor, Tedder, Tolbert, Walker, Jr., Wall, Weeks, Wellman, Westcott, Wyly and Yonge—62.

A quorum present.

Prayer by the Chaplain.

Mr. Hunter was indefinitely excused on account of sickness.

Messrs. Green, Hope and Wilson of Polk were excused until Wednesday.

Mr. Hatch moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Bethel moved to correct the Journal of Thursday by striking out the word "Legislature," in the amendment offered by him to Section 3, Article IV., and insert the words "House of Representatives" in lieu thereof ;

Which was agreed to.

Mr. Wellman offered a memorial and protest from the citizens of De Land, in Volusia county, in regard to State Board of Health ;

Which was referred to the Committee on Public Health.

The following Resolutions, Articles and Ordinances were introduced and referred to the appropriate committees :

Mr. Mitchell offered Ordinance No. 66 : In relation to rights ;

Which was referred to the Committee on Preamble and Declaration of Rights

Mr. Mitchell offered Ordinance No. 67 : In relation to the pay of mechanics and laborers ;

Which was referred to the Committee on Miscellaneous Provisions.

Mr. Petty offered Ordinance No. 68 : Regulating county registration ;

Which was referred to the Committee on Constitutional Amendments.

Mr. Paterson called up the following sections, introduced by him on last Tuesday, and asked that they be re-referred :

The repeal or amendment of a statute relating to crimes or misdemeanors, or providing for the punishment thereof, shall not affect any offence committed prior to such repeal or amendment, nor the prosecution thereof, but the statute repealed or amendment shall remain in full force as to any such offence and the prosecution thereof ;

Which was re-referred to Committee on Legislative Department.



Also the following :

SECTION —. No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage ;

Which was re-referred to the Committee on Preamble and Declaration of Rights.

Mr. Randolph obtained leave and introduced the following resolution :

*Resolved*, That the President shall appoint a Standing Committee, to be known as "The Committee on Revision and Adjustment," and their duties shall be as follows : Whenever any article or ordinance of the Convention shall have passed its second reading, and have been engrossed, it shall be referred to this committee, who shall make a close examination of its import and phraseology. When the said article or ordinance shall be called up for its third or final reading the Committee on Revision and Adjustment shall then and there suggest to the Convention such changes as they may deem expedient or necessary. This committee shall be composed of one member from each of the Standing Committees of this Convention ;

Which was read.

Mr. Randolph moved to waive the rules so that the resolution might receive immediate consideration ;

Which was not agreed to, and the resolution was placed among the orders of the day for consideration on to-morrow.

Article VII, on Married Women's Property, was read the third time.

Mr. Randall, of Duval, moved that no further action be taken on Article VII until to-morrow ;

Which was agreed to.

Mr. Baker moved that the Convention take a recess until 5 o'clock P. M. to-day ;

Which was agreed to.

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## FIVE O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Carter, Chandler, Clarke of Jefferson, Conover,

Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Johnston, Jones, Landrum, Lesley, Lewis, Love, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Wall, Weeks, Wellman, Westcott, Wyllly and Yonge—79.

A quorum present.

On motion of Mr. Malone, it was agreed to take up Article VII and consider it on the question of its final passage.

Mr. Hicks moved to reconsider the vote just taken to take up Article VII;

Which was not agreed to.

The roll was then called on the final passage of Article VII.

The vote was:

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Broome, Campbell, Conover, Cook, Davidson, Davis, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Hendley, Henderson, Herndon, Hicks, Johnston, Jones, Landrum, Leslie, Love, Malone, Maxwell, Milton, Morgan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Pelot, Randall of Duval, Randolph, Richard, Rowe, Scott, Speer, Stone, Taylor, Tedder, Tompkins, Turnbull, Walker, Jr., Wall, Weeks, Wellman, Westcott, Wyllly and Yonge—55.

Nays—Messrs. Baker, Bell of Hamilton, Carter, Chandler, Clarke of Jefferson, Duncan, Gibbs, Goss, Hatch, Hocker, Lewis, Marshall, McCaskill, McClellan, Paterson, Petty, Randell of Madison, Sanchez, Sheats, Thompson and Tolbert—21.

So the Article was passed.

Mr. Maxwell moved to reconsider the vote just taken, and further moved to lay the motion to reconsider on the table;

Which was agreed to.

Article VIII came up for a second reading.

Mr. Yonge moved to postpone action on Article VIII until to-morrow;

Which was agreed to.

Mr. Baker moved to adjourn until 9 o'clock A. M. to-morrow;

Which was agreed to.

## TWENTY-THIRD DAY.

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TUESDAY, JULY 7, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Carter, Chandler, Clarke of Jefferson, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Hendley, Henderson, Herndon, Hicks, Hocker, Johnston, Jones, Landrum, Lesley, Lewis, Love, Malore, Marshall, Maxwell, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Walker, Jr., Wall, Weeks, Wellman, Westcott, Wyly and Yonge—77.

A quorum present.

Prayer by the Chaplain.

Mr. Hatch moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The afternoon Journal was corrected so as to show that Mr. Malone moved to take up Article VII on Married Women's Property.

The Journal was approved as corrected.

The Journal of Friday, July 3d, was corrected so as to show that the Preamble and Declaration of Rights was read a third time on that day.

Mr. Carter introduced the following resolution :

*Resolved*, That the services of the clerks of committees employed by authority of this Convention be dispensed with after July 10th ;

Which was read and laid over under the rules.

Mr. Bennett introduced the following resolution :

WHEREAS, It is probable that the appropriation for the expenses of this Convention will prove inadequate to cover the

disbursements for election expenses, the printing bills of this Convention, the salaries of its attaches, the mileage and per diem of its members; therefore, be it

*Resolved*, That the per diem shall not be settled until all other claims against the said appropriation shall have been provided for. The balance of the appropriation shall then be equally divided among the members; *Provided*, That each member's proportion shall not exceed the pay of a member of the Legislature.

*Resolved*, That a committee of five be appointed to consider and report upon what salaries may appropriately be paid to the attaches of this Convention;

Which was read and laid over under the rules.

The following resolution, offered by Mr. Randolph on yesterday, came up for consideration:

*Resolved*, That the President shall appoint a Standing Committee, to be known as "The Committee on Revision and Adjustment," and their duties shall be as follows: Whenever any article or ordinance of the Convention shall have passed its second reading, and have been engrossed, it shall be referred to this committee, who shall make a close examination of its import and phraseology. When the said article or ordinance shall be called up for its third or final reading the Committee on Revision and Adjustment shall then and there suggest to the Convention such changes as they may deem expedient or necessary. This committee shall be composed of one member from each of the Standing Committees of this Convention.

The question was upon the adoption of the resolution.

Mr. Baker offered to amend the resolution as follows:

That the chairmen of each of the standing committees shall constitute such committee;

Which was accepted.

Mr. Chandler offered to amend the amendment as follows:

Strike out all of Mr. Baker's amendment and insert as follows: "This committee shall consist of nine members."

Mr. Tolbert moved that the resolution and proposed amendments be referred to the Committee on Style and Arrangement;

Which was agreed to.

The following Articles, Ordinances and Resolutions were offered:

Mr. Randolph offered Article No. 70, relating to the books and offices, and for preventing unjust discrimination and extortion by all public carriers;

Which was referred to the Committee on Private Corporations.

The roll of committees being called the following reports were offered :

Mr. Sanchez, Chairman of the Committee on Judiciary Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Judicial Department, to whom was referred

Resolution No. 2, by Mr. Campbell, of Walton county, on election of officers ; also, Resolution No. 4, by Mr. Randell, of Madison county, in reference to elections ; also, Resolution No. 7, by Mr. Fowler, of Putnam county, in reference to appeals ; also, Resolution No. 12, by Mr. Stone, of Calhoun county, relative to costs in criminal cases ; also, Resolution No. 14, by Mr. Stone, of Calhoun county, in reference to Board of Education ; also, Resolution No. 16, by Mr. Walker, Jr., of Leon county, relative to election of officers ; also, Resolution No. 21, by Mr. Carter, of Levy county, in relation to the judicial system ; also, Resolution No. 23, by Mr. Hendley, of Hernando county, relating to jurisdiction of courts ; also, Resolution No. 27, by Mr. Davis, of Gadsden county, relative to grand jurors ; also, Resolution No. 38, by Mr. Rogers, of Suwannee county, in relation to the selection of juries ; also, Resolution No. 39, by Mr. Rogers, of Suwannee county, in relation to divorce ; also, Resolution No. 47, by Mr. Mann, of Hernando, relative to bribery of officials ; also, Resolution No. 48, by Mr. Mann, of Hernando, relative to condemnation of private property ; also, Resolution No. 55, by Mr. Greeley, of Duval, to establish Municipal Courts ; also Resolution No. 60, by Mr. Ives, of Columbia, to abolish swearing to common law pleas ; also, Resolution No. 62, by Mr. Ives, of Columbia, relative to appeals from trials in inferior courts ; also, Resolution No. 63, by Mr. Landrum, of Santa Rosa, relative to judicial department and terms of officers ; also, Resolution No. 68, by Mr. Hunter, of Baker, relating to the election of Judges and Justices of the Peace ; also, Resolution No. 77, by Mr. Fowler, of Putnam, to abolish the grand jury system ; also, Resolution No. 79, by Mr. Morgan, of Suwannee, relative to errors and omissions of public officers ; also, Resolution No. 89, by Mr. Tolbert, of Columbia, relative to the power of Justices of the Peace ; also, Resolution No. 95, by Mr. Goss, of Marion, limiting the power of the Clerk of the Court and



creating a County Auditor ; also, Resolution No. 102, by Mr. Walter, of Duval, relating to punishment for violation of ordinances of cities and towns ; also, Resolution No. 117, by Mr. Zipperer, of Hamilton, relative to election of Justices of the Peace : also, Resolution No. 124, by Mr. Wilson, of Polk and Manatee, relative to County Courts ; also, Resolution No. 127, by Mr. Hausman, of Madison, authorizing County Judges to issue marriage licenses ; also, Resolution No. 135, by Mr. Baker, of Nassau, providing for the organization of County Courts ; also, Resolution No. 141, by Mr. Tedder, of Taylor, to reduce the number of Judicial Districts and to provide salaries of the judges ; also, Resolution No. 143, by Mr. Zipperer, of Hamilton, relative to issuing bonds ; also, Resolution No. 144, by Mr. Zipperer, of Hamilton, restricting Judges in certain cases.

Also, the following ordinances : Ordinance No. 1, by Mr. Blount, of Escambia, defining the distribution of judicial power and providing for the appointment of Judges ; also, Ordinance No. 2, by Mr. Blount, of Escambia, providing for the creation of Criminal Courts for the counties of Duval, Escambia, and Monroe ; also Ordinance No. 6, by Mr. Love, of Gadsden, relating to the Judicial Department ; also, Ordinance No. 13, by Mr. Walker, of Leon, prescribing the election and method of electing Judges of the Supreme Court, and Solicitor of Circuit, and County Judges and Justices of the Peace ; also, Ordinance No. 25, by Mr. Lesley, of Hillsborough, relating to tax deeds ; also, Ordinance No. 28, by Mr. Hocker, of Sumter, relating to Judicial department ; also, Ordinance No. 30, by Mr. Blackburn, of Suwannee, providing for the manner of electing Notaries Public ; also, Ordinance No. —, by Mr. Blount, of Escambia, establishing criminal courts for the counties of Duval and Escambia ; would respectfully report that we have carefully examined and considered all of said articles, ordinances and resolutions, and have incorporated such parts of them as coincided with our views in the Article No. XI, on Judicial Department, prepared by us, and herewith presented to the Convention.

We respectfully refer all of said articles, ordinances and resolutions back to the Convention, and recommend that our said Article No. XI be adopted as a substitute for them as a whole, and your committee respectfully ask to be discharged from the further consideration of said article.

Very respectfully,

E. C. F. SANCHEZ, Chairman.

Which was received.

## MAJORITY REPORT.]

## ARTICLE XI.

## JUDICIARY DEPARTMENT.

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, Circuit Courts, County Courts and Justices of the Peace.

SEC. 2. The style of all process shall be "The State of Florida," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 3. The Supreme Court shall consist of a Chief-Justice and two Associate Justices, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold their office for the term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years, another to be designated in like manner for four years, and the third for six years, so that one shall be elected every two years after the first election.

SEC. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. The terms of the Supreme Court shall be held at the Capital of the State at the times that now are or may be provided by law. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a Judge of the Circuit Court to hear and determine any matters pending before the court in the place of any Justice thereof, who shall be disqualified or disabled in such case, from interest or other cause.

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases at law, civil and criminal, and in equity commenced in the Circuit Courts, and of appeal from the Circuit Court in cases arising in the County Courts as Courts of Probate, and in the management of the estates of infants and of cases tried in the Circuit Courts on appeal from the County Courts where the demand or value of the property involved exceeds one hundred dollars, and of appeals direct from the County Courts of all felonies tried therein. The Court shall have power to issue writs of mandamus, certiorari, prohibition, quo-warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or any Justice thereof, or before any Circuit Judge.

SEC. 6. The Supreme Court shall appoint a Clerk of the

Supreme Court, who shall have his office at the Capital, and shall be Librarian of the Supreme Court library ; he shall hold his office until his successor is appointed and qualified.

SEC. 7. There shall be seven Circuit Judges, who shall be elected by the qualified electors of the State at the times and places of voting for members of the Legislature, who shall hold their office for six years. The State shall be divided into seven Judicial Circuits. One of said Judges shall be elected from each circuit, and shall be the Judge of the Circuit from which he is elected, but said Judges shall be elected by the qualified electors of the State at large. Such Judge shall hold at least two terms of his court in each county within his circuit each year, at such times and places as may be regulated by law. Such Judge may hold special terms of his Court. The Governor may in his discretion order a temporary exchange of Circuits by the respective Judges, or any Judge to hold one or more terms or parts of terms in any other Circuit than that for which he was elected. Until otherwise defined by the Legislature the several Judicial Circuits shall be as follows :

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington and Jackson.

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

SEC. 8. The Circuit Courts shall have original jurisdiction in all cases in equity, also exclusive jurisdiction in all cases at law in which the demand or value of the property involved exceeds five hundred dollars, and in all cases involving the legality of any tax, assessment, toll, or fine imposed for the violation of any ordinance of any incorporated city or town, and of actions involving the title or right of possession of real estate, and all criminal cases except such as may be cognizable by law by inferior courts. They shall also have concurrent juris-

diction with the County Courts, of all cases at law cognizable by County Courts, in which the demand or value of the property involved exceeds two hundred dollars, and of the action of forcible entry and unlawful detainer. They shall have appellate jurisdiction of matters pertaining to the probate jurisdiction and the estates and interests of minors in the County Courts, and final appellate jurisdiction in all civil cases arising in the County Courts in which the demand or the value of the property involved is one hundred dollars or less, and appellate jurisdiction subject to an appeal to the Supreme Court when the demand or the value of the property involved exceeds one hundred dollars, and of all misdemeanors tried before the County Court, and of cases arising in the Mayor's Courts. The Circuit Courts and Judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, habeas corpus, prohibition and all other writs proper and necessary to the complete exercise of their jurisdiction.

SEC. 9. All appeals to the Circuit Courts shall be trials *de novo*.

SEC. 10. It shall be the duty of the Judges of the Circuit Courts to report to the Attorney General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention and to suggest such amendments or additional legislation as may be deemed necessary. The Attorney General shall report to the Legislature at each session such legislation as he may deem advisable.

SEC. 11. There shall be a County Court, which shall be a Court of Record, organized in each county, and the Judge of said Court shall be elected by the qualified electors of said county at the time and places of voting for members of the Legislature and shall hold his office for four years. The Judge of the County Court shall be a practicing attorney of not less than three years practice, whose compensation shall be fixed by law.

SEC. 12. The County Court shall have jurisdiction of all misdemeanors and of all cases of larceny where the property stolen does not exceed twenty dollars. The County Court shall have jurisdiction of actions at law in which the demand or the value of the property involved does not exceed five hundred dollars. The Judge of the County Court shall have jurisdiction to take probate of wills, to grant letters testamentary and of administration and guardianship and of the settlement of the estates of decedents and minors, and to discharge the duties usually pertaining to courts of probate, including the power to order the sale of real estate of minors,



subject to such regulations as may be provided by law and subject to the appellate jurisdiction of the Circuit Court under such regulations as now are or may be provided by law. They may also have jurisdiction of proceedings relating to the forcible entry or unlawful detention of lands and tenements. The County Commissioners of each county may, if they deem necessary, call an election by the qualified electors of the county for a County Attorney; he shall be a practicing attorney and shall prosecute all criminal cases before the County Court, and be the attorney and legal adviser of the Board of County Commissioners, who shall prescribe his compensation.

SEC. 13. There shall be elected by the qualified electors of each Judicial Circuit, a State Attorney, whose duties shall be prescribed by law. He shall hold his office for four years and until his successor shall be elected and qualified. There shall be elected in each county by the qualified electors thereof a Sheriff and a Clerk of the Circuit Court who shall be also Clerk of the County Court and of the Board of County Commissioners, Recorder and *ex-officio* Auditor of the County, each of whom shall hold his office for four years. Their duties shall be prescribed by law.

SEC. 14. Grand and petit jurors shall be taken from the registered voters of the respective counties. The number of jurors for the trial of causes in any court may be fixed by law.

SEC. 15. No person shall be eligible for Judge of the Supreme Court or Circuit Courts who is not twenty-five years of age, a qualified elector of this State and a practicing attorney.

SEC. 16. The salary of the Chief Justice and Associate Justices of the Supreme Court shall be three thousand dollars per annum. The salary of each Circuit Judge shall be two thousand five hundred dollars per annum.

SEC. 17. The counties of this State shall be divided into Justices' Districts, and one Justice of the Peace shall be appointed for each district, and the civil jurisdiction of such Justice shall be limited to his district, but his process may run throughout the county. Such Justice of the Peace shall have jurisdiction in civil actions at law in which the demand or the value of the property involved does not exceed twenty-five dollars, and in criminal cases to bail and commit parties accused of crime to the Circuit and County Courts. They shall have no jurisdiction in cases where the title or boundary of real property is involved. Justices of the Peace shall be appointed by the Governor only upon the recommendation of the grand juries of the several counties, and shall always be removed by the Governor upon the recommendation of the grand juries.



SEC. 18 A Constable shall be elected by the registered voters in each county for every five hundred registered voters, but each county shall have at least two Constables, and no county shall have more than twelve Constables. They shall perform such duties and under such instructions as shall be prescribed by law.

SEC. 19. All pleas shall be sworn to either by the parties or their attorneys.

SEC. 20. The Legislature may establish courts for municipal purposes only in incorporated cities and towns. All laws for the organization or government of municipal courts shall be general in their provisions and be equally applicable to the municipal courts of all incorporated towns and cities.

SEC. 21. No other courts than those herein specified shall be organized in this State.

SEC. 22. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties and an order from the Court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. Such referee shall keep a complete record of the case including the evidence taken, and such record shall be filed with the papers in the case in the office of the Clerk, and such cause shall be subject to an appeal in the manner prescribed by law.

SEC. 23. Attorneys at law, who have been admitted to practice in any court of record in any State of the Union, or to any United States Court, shall be admitted to practice in any court of this State, on producing evidence of having been so admitted.

The following minority report was received :

CONVENTION HALL, TALLAHASSEE, FLA., July 7, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: We, the undersigned minority of the Committee on the Judicial Department, finding ourselves unable to concur in the report of the majority of said committee, respectfully submit the accompanying article as embodying our views, for the consideration of the Convention.

Very respectfully,

W. A. BLOUNT,  
JOHN W. MALONE,  
W. H. MILTON,  
T. L. CLARKE,  
IRVING GILLIS,  
E. M. RANDALL,

Committee.

Which was received, and both reports ordered to take the usual course.

MINORITY REPORT.]

## ARTICLE XI.

### JUDICIARY DEPARTMENT.

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, Circuit Courts, Criminal Courts, County Courts and Justices of the Peace. Judges of said courts shall be appointed by the Governor and confirmed by the Senate.

SEC. 2. The Supreme Court shall consist of a Chief-Justice and two Associate Justices. At the first session of the Legislature following the adoption of this Constitution the said Justices shall be appointed and confirmed. One shall hold office for four years, one for six years and one for eight years, the Governor, at the time of appointment, designating the term which each is to hold, and designating the Chief Justice. Upon the expiration of their respective terms the vacancies shall be filled, and thereafter each Justice shall hold office for eight years.

SEC. 3. No person shall ever be appointed as a Judge of the Supreme Court, Circuit Courts or Criminal Courts who is not twenty-five years of age and a practicing attorney in this State.

SEC. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. The concurrence of two Justices shall be necessary to a decision. The number of terms of the Supreme Court and the time of holding the same shall be regulated by law. All terms shall be held at the Capital of the State.

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases at law and in equity originating in Circuit Courts, and of appeal from the Circuit Courts in cases arising before Judges of the County Courts in matters pertaining to their probate jurisdiction, and in the management of the estates of infants, and in cases of conviction of felony in the criminal courts, and in all criminal cases originating in the Circuit Courts. The court shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Su-

preme Court, or any Justice thereof, or before any Circuit Judge.

SEC. 6. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a Judge of the Circuit Court to hear and determine any matters pending before the court in the place of any Justice thereof who shall be disqualified or disabled in such case from interest or other cause.

SEC. 7. The Supreme Court shall appoint a Clerk who shall have his office at the Capital and shall be Librarian of the Supreme Court Library.

SEC. 8. There shall be seven Circuit Judges, who shall hold their office for eight years. The State shall be divided into seven Judicial Circuits, and one Judge shall be assigned to each Circuit. Such Judge shall hold at least two terms of his court in each county within his Circuit each year, at such times and places as shall be provided by law, and may hold special terms. The Governor may, in his discretion, order a temporary exchange of Circuits by the respective Judges, or order any Judge to hold one or more terms or parts of terms in any other Circuit than that to which he is assigned. The Judge shall reside in the Circuit of which he is Judge.

SEC. 9. Until otherwise defined by the Legislature the several Judicial Circuits of the Circuit Courts shall be as follows:

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton Holmes, Washington and Jackson.

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

SEC. 10. The Circuit Courts shall have exclusive jurisdiction in all cases in equity, also in all cases at law in which the demand or the value of the property involved exceeds two hundred dollars, and in all cases involving the legality of any tax, assessment, or toll; of the action of ejectment and of all ac-

tions involving the titles or boundaries of real estate and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the Legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the County Court, of all misdemeanors tried in Criminal Courts, and of judgments or sentences of any Mayor's Court, and supervision and appellate jurisdiction of matters arising before County Judges pertaining to their probate jurisdiction or to the estates and interests of minors, and of such other matters as the Legislature may provide. The Circuit Courts and Judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.

SEC. 11. The Circuit Courts and Circuit Judges may have such extra territorial jurisdiction in chancery cases as may be provided by law.

SEC. 12. A Circuit Judge may appoint in each county in his Circuit one or more attorneys at law, who shall be known as Court Commissioners, who shall have power in the absence of the Circuit Judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the Circuit Judge. Their orders in such matters may be reviewed by the Circuit Judge, and confirmed, qualified or vacated. They may be removed by the Circuit Judge. The Legislature may confer upon them further powers, not judicial, and shall fix their compensation.

SEC. 13. The Governor, by and with the advice and consent of the Senate, shall appoint a State Attorney in each Judicial Circuit, whose duties shall be prescribed by law. He shall hold office for four years. There shall be elected in each county a Sheriff, and a Clerk of the Circuit Court, who shall also be Clerk of the County Court and of the Board of County Commissioners, Recorder and *ex-officio* Auditor of the County, each of whom shall hold his office for four years. Their duties shall be prescribed by law.

SEC. 14. There shall be organized in each county a County Court, which shall be a Court of Record, and shall hold at least four terms each year. There shall be appointed by the Governor, and confirmed by the Senate, a Judge and Prosecuting Attorney for each of said Courts, except in cases where the Legislature may deem it expedient to provide for one Judge and one Prosecuting Attorney for two or more counties. Their compensation and duties not herein provided, shall be fixed by law. They shall hold office for four years.



SEC. 15. The County Courts shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed two hundred dollars, of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the Courts of Justices of the Peace. The trial of such appeal may be *de novo* at the option of the appellant.

SEC. 16. The Judges of the County Courts shall have jurisdiction of the settlement of the estates of decedents and minors, to order the sale of real estate of minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate, and shall issue all licenses required by law to be issued in the county.

SEC. 17. When any civil case at law in which the Judge is disqualified shall be called for trial in a Circuit or County Court the parties may agree upon or, in case they do not agree, the Clerk of the Court shall designate an attorney at law who shall be Judge *ad litem* and shall preside over the trial of and make orders in said cause as if he was Judge of the Court. The parties may, however, transfer the cause to another Circuit Court or County Court, as the case may be, or may have the case referred to a referee.

SEC. 18. The County Commissioners of each county shall divide it into as many Justice Districts, not less than two, as they may deem necessary. The Governor shall commission, upon the recommendation of the Grand Jury of the county, one Justice of the Peace for each of said districts. He shall hold his office for four years.

SEC. 19. Every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed fifty dollars and in which the cause of action accrued, or the defendant resides, in his district. He shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge for examination and discharge, commitment or bail of the accused. He shall have power to hold inquests of the dead.

SEC. 20. There shall be established in each of the counties of Duval and Escambia, and in such other counties as the Legislature may deem expedient, a Criminal Court of Record, and there shall be one Judge for each of said courts, who shall hold his office for four years and whose salary shall be one thousand dollars per year.



SEC. 21. The said courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.

SEC. 22. There shall be six terms of said courts in each year.

SEC. 23. There shall be for each of said courts a prosecuting attorney, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold his office for four years. His compensation shall be fixed by law.

SEC. 24. All offences triable in said court shall be prosecuted upon information under oath to be filed by the prosecuting attorney, but the grand jury of the Circuit Court for the county in which said Criminal Court is held may indict for offences triable in the Criminal Court. Upon the finding of such indictment the Circuit Judge shall commit or bail the accused for trial in the Criminal Court, which trial shall be upon information.

SEC. 25. The County Courts in said counties shall have no criminal jurisdiction and no prosecuting Attorney.

SEC. 26. The Clerk of said Court shall be elected by the electors of the county in which the court is held and shall hold his office for four years and his compensation shall be fixed by law. He shall also be Clerk of the County Court. The Sheriff of the county shall be the executive officer of said court and his duties and fees shall be fixed by law.

SEC. 27. The State Attorney residing in the county where such court is held shall be eligible for appointment as County Solicitor for said county.

SEC. 28. The Legislature may establish in incorporated towns and cities courts for the punishment of offences against municipal ordinances.

SEC. 29. No courts other than those herein specified shall be organized in this State.

SEC. 30. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties and an order from the court in whose jurisdiction the case may be authorizing such trial and appointing such referee. Such referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the clerk, and such cause shall be subject to an appeal in the manner prescribed by law.

SEC. 31. A Constable shall be elected by the registered voters in each county for every two hundred registered voters, but each county shall be entitled to at least two Constables, and no county shall have more than twelve Constables. They shall perform such duties as shall be prescribed by law.

SEC. 32. Attorneys at law who have been admitted to practice in any court of record in any State of the Union, or to any United States Court, shall be admitted to practice in any court of this State on producing evidence of having been so admitted.

SEC. 33. All judicial officers in this State shall be conservators of the peace.

The President gave notice that the articles contained in the Majority and Minority reports of the Committee on Judiciary Department were printed, and would be spread upon the desks of the delegates to-day, and would come up for a first reading on to-morrow.

Mr. Duncan, Chairman of the Committee on Engrossment and Enrollment, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 7, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Engrossment and Enrollment to whom was referred—

Article No. IV, have examined the same and compared it with amendments offered, and find it correctly engrossed.

Very respectfully,

H. H. DUNCAN,  
THEODORE RANDELL,  
W. F. THOMPSON,  
Committee.

Which was received.

Mr. Turnbull, Chairman of the Committee on Printing, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 7, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Printing beg leave to report as follows :

The cost of Journals to July 3d.....	\$2,267.55
Bills, &c., July 6th, inclusive.....	464.16
224 Pages in Journal form.....	180.32

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Total amount..... \$2,912.03

Your committee would respectfully recommend that the printing of the Journals be reduced to 1,000 per day, and also

recommend that 200 copies of the Constitution be printed for the use of members before its final adoption.

Very respectfully,

S. J. TURNBULL, Chairman.

Which was received and read.

Mr. Turnbull moved that the rules be waived, and that the report be acted on immediately, and the suggestion adopted ;

Which was agreed to.

The question was upon the adoption of the report ;

Which was agreed to.

Mr. Bethel moved to take up Article IV, on Legislative Department, and that it be put upon its final passage ;

Which was agreed to.

Article IV, on Legislative Department, was again read for information.

The question was upon the final passage of the Article.

The roll was called, and vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Broome, Bush, Campbell, Davidson, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Landrum, Marshall, Maxwell, Morgan, McKinnon, Neel, Odom, Orman, Parker, Paterson, Pelot, Randall of Duval, Randolph, Rowe, Speer, Stone, Swearingen, Tompkins, Walker, Jr., Wall, Wellman, Westcott, Wyly and Yonge—48.

Nays—Messrs. Baker, Chandler, Clarke of Jefferson, Conover, Cook, Davis, Johnston, Jones, Lesley, Lewis, Love, Malone, Milton, Mitchell, McCaskill, McClellan, Parkhill, Petty, Randell of Madison, Richard, Sanchez, Scott, Sheats, Taylor, Tedder, Thompson, Turnbull and Weeks—28.

So Article IV was not passed.

Mr. Baker gave notice that he would, on to-morrow, move to reconsider the vote by which Article IV was just lost.

Article X, on Public Institutions, was read the third time.

Mr. Hocker moved the final passage of Article X, as read.

Mr. Campbell offered to amend Section 3 as follows :

The Legislature shall provide the manner by which said counties shall proceed to provide for such destitute persons.

Mr. Walker, Jr., offered the following amendment to the amendment :

And a method shall be provided by law by which any person having such claims may enforce them by suit or otherwise.

Mr. Malone moved to lay the amendment, and the amendment to the amendments on the table ;

Which was agreed to.

Mr. Goss offered the following amendment to Section 2 :

That the Legislature may provide by law for each county to take charge of and work its own convicts, and provide a house of refuge for juvenile offenders.

Mr. Blackburn offered the following substitute for the section :

SECTION 2. A State Prison shall be established and maintained in such manner as may be fixed by law. Provision may be made by law for the establishment and maintenance of houses of refuge for juvenile offenders, and the Legislature shall have power to establish homes and work houses for common vagrants.

On motion of Mr. Parkhill the amendment was laid on the table.

On motion of Mr. Parkhill the substitute was laid upon the table.

Mr. Baker offered the following amendment :

Insert in line 2, after word "law," "but no convict shall be held to labor elsewhere than within the walls of the State Prison or upon the grounds immediately appertaining to the State Prison."

Mr. Walker, Jr., offered to amend the amendment as follows :

Unless while employed otherwise they shall be in the exclusive charge of officers and persons employed by authority of the State.

Mr. Yonge moved that the amendment and the amendment to the amendment be laid upon the table ;

Which was agreed to.

Mr. Chandler moved to amend as follows :

In line 1, section 1, after the word "deaf," insert the words "and convicts ;" and before the word "fostered," in line 2, same section, insert the word "established ;"

Which was withdrawn.

Mr. Walker, Jr., moved the following as a substitute for the whole Article :

A Penitentiary and Insane Asylum shall be established by law.

Mr. Hocker moved that the further consideration of Article X be deferred until day after to-morrow ;

Which was not agreed to.

Mr. Walker, Jr., moved that Article X, with the proposed substitute, be referred back to the Committee ;

Which was agreed to, and the Article and proposed substitute was so referred.

Article VI, on Homestead Exemptions, came up for consideration on its third reading.

Mr. Orman moved that consideration of Article VI be deferred until 5 o'clock P. M., to-day ;

Which was agreed to

Mr. Fowler moved that the Convention take a recess until 5 o'clock P. M., to-day ;

Which was agreed to.

## FIVE O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—100.

A quorum present.

Article VI, on Homestead Exemptions, came up for consideration.

Vice-President Yonge was called to the chair.

The question was, Shall there be a limitation as to personal property ?

Which was agreed to.

Mr. Clarke, of Jefferson, moved that the limitation of personal property exempt shall be one thousand dollars in value ;

Which was agreed to.



Mr. Randall moved that there be a limited value as to improvements on lands exempted.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carson, Challen, Coker, Cook, Fogarty, Genovar, Gillis, Henderson, Humphries, Lesley, Marshall, Maxwell, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Sheats, Taylor, Thompson, Tompkins, Walter, Wellman, Whitmire and Wilson of Polk and Manatee—32.

Nays—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Chandler, Clarke of Jefferson, Clark of Jackson, Conover, Davidson, Davis, Duncan, Earle, Edge, Fowler, Gibbs, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Ives, Johnston, Landrum, Lewis, Love, Lutterloh, Malone, Mann, Miller, Milton, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Tedder, Tolbert, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Westcott, Wyly and Zipperer—64.

So the motion was not agreed to.

The question was, What shall be the number of acres exempted?

Mr. Clarke, of Jefferson, moved that 160 acres outside of city limits, be the limit.

Mr. Humphries moved to amend the motion by striking out "160" acres and inserting "40" acres.

The question was on the adoption of the amendment ;

Which was not agreed to.

Mr. McCaskill moved to amend by striking out "160" acres and inserting "80" acres.

The question was upon the adoption of the amendment.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bethel, Blount, Broome, Challen, Duncan, Fogarty, Fowler, Genovar, Gibbs, Humphries, Maxwell, Miller, Morgan, McCaskill, McClellan, McKinnon, Randall of Duval, Randell of Madison, Taylor, Walter, Wellman and Whitmire—22.

Nays—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Bush, Campbell, Carter, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Conover, Cook, Davidson, Davis, Earle, Edge, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Ives,

Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Milton, Mitchell, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Westcott, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—77.

So the amendment was not agreed to.

The question was then on the adoption of the motion of Mr. Clarke, of Jefferson, that the limit be 160 acres outside of towns and cities ;

Which was agreed to.

The question was then on the limit within cities and towns.

Mr. Parkhill moved that the limit be one-half an acre.

Mr. Walter moved to amend by making the limit one-fourth of an acre.

Mr. Mann moved as a substitute to both the first proposition and the amendment that the limit be one acre.

The question was upon the adoption of the substitute ;

Which was not agreed to

The question was then on the adoption of the amendment ;

Which was not agreed to.

The question was then on the adoption of the motion of Mr. Parkhill to make the limit one-half an acre ;

Which was agreed to.

The question then was, " Shall the exemption be in favor of the head of a family ? or in favor of any unmarried male or female ? "

Mr. Orman moved that the exemption be in favor of the head of a family.

Mr. Bush offered the following amendment :

Any person 21 years old or the head of a family.

Mr. McKinnon moved to strike out " twenty-one. "

Mr. McClellan moved to lay the amendment and the amendment to the amendment on the table ;

Which was agreed to.

The question was then upon the motion of Mr. Orman, " That the exemption shall be in favor of the head of a family ; "

Which was agreed to.

The question was then on proposition 7, Shall the exempted homestead be subject to sale by the owner and wife ?

Mr. Love moved that the proposition be adopted ;

Which was agreed to.

The question then was, " Shall the exempted homestead be subject to lien by the mortgage of owner and wife ? "

Mr. Ives moved its adoption.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hendley Henderson, Herndon, Hicks, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Morgan, McCaskill, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Sanchez, Sheats, Speer, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—87.

Nays—Messrs. Bell of Hamilton, Carter, Carson, Hausman, Miller, McClellan, McKinnon, Rowe and Swearingen—9.

So the proposition was adopted.

Mr. Chandler moved to adjourn until 9 o'clock A. M. tomorrow ;

Which was agreed to, and the Convention was so adjourned.

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## TWENTY-FOURTH DAY.

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WEDNESDAY, JULY 8, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Har-

gret, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—102.

A quorum present.

Prayer by the Chaplain.

Mr. Scott moved that the reading and correction of the Journal be dispensed with for the present, as the Journal was not ready for distribution ;

Which was agreed to.

Mr. Turnbull offered the following resolution :

*Resolved*, That this Convention authorize the State Treasurer to pay Messrs. Dorr & Bowen the sum of \$2,000, on account of printing.

Mr. Walker, Jr., moved to amend the resolution by inserting the words, "from the appropriation for the expenses of this convention ;"

Which was accepted.

Upon motion the rules were waived and the resolution as amended was passed.

The following resolution, introduced yesterday, and laid over under the rules, came up for consideration :

*Resolved*, That the services of Clerks of Committees employed by authority of this Convention be dispensed with after July 10th.

Mr. Carter moved the adoption of the resolution ;

Which was agreed to, and the resolution was declared adopted.

The following resolution, offered on yesterday by Mr. Bennett, and laid over under the rules, came up for consideration :

WHEREAS, It is probable that the appropriation for the expenses of this Convention will prove inadequate to cover the disbursements for election expenses, the printing bills of this Convention, the salaries of its attaches, the mileage and per diem of its members ; therefore, be it

*Resolved*, That the per diem shall not be settled until all other claims against the said appropriation shall have been

provided for. The balance of the appropriation shall then be equally divided among the members; *Provided*, That each member's proportion shall not exceed the pay of a member of the Legislature.

*Resolved*, That a committee of five be appointed to consider and report upon what salaries may appropriately be paid to the attaches of this Convention.

The question was on its adoption.

Mr. Johnson moved to lay the resolution on the table;

Which was agreed to.

Mr. Greely offered the following Petition :

LAWTEY, FLA., July 4, 1885.

*To the Honorable Members of the Constitutional Convention :*

Because of the unmeasured and terrible evils resulting from the public sale of intoxicating liquors without any mitigating features, the business has no right to exist and should be prohibited;

Therefore, your petitioners respectfully pray that you submit a separate clause with the Constitution forever prohibiting in this State the manufacture and sale of all intoxicating liquors for beverage purposes; and if ratified by a majority of voters to be a part of the Constitution.

J. W. BUSHNELL,

MRS. J. W. BUSHNELL.

The following Articles and Ordinances were offered :

Mr. Taylor offered an additional Section to Article XI, on Judicial Department, providing for the retirement of disabled Judges;

Which was referred to the Committee on Judiciary Department.

Under the call of Committees, the following reports were offered :

Mr. Milton, Chairman of Committee on Preamble and Declaration of Rights, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 8, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Preamble and Bill of Rights, to whom was referred—

Ordinance No. 66, in relation to juries, introduced by Mr. Mitchell, have considered the same, and herewith return it and recommend that it be laid upon the table.

The following, introduced by Mr. Paterson, to wit: "No



statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage," has been duly considered by this committee, and we recommend the same as an additional section to the Bill of Rights.

Respectfully submitted,

W. H. MILTON,  
Chairman of Committee.

Which was received.

Mr. Duncan, of the Committee on Engrossment and Enrollment, offered the following report:

CONVENTION HALL,  
TALLAHASSEE, FLA., July 8, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Engrossment and Enrollment, to whom was referred—

The Preamble and Bill of Rights, have examined the same and find it correctly engrossed as amended.

They also report Article —, on Public Health, to be correctly engrossed.

Very respectfully,

H. H. DUNCAN,  
THEODORE RANDELL,  
W. F. THOMPSON,  
Committee.

Which was received.

Mr. Baker moved to reconsider the vote by which Article IV was lost yesterday ;

Which was agreed to and the vote was reconsidered.

Upon motion further action upon Article IV was deferred at present.

Mr. Bethel, Chairman of the Committee on the Legislative Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 8, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Legislative Department, to whom was referred—

Article No. 69, by Mr. Paterson, of Madison county, relating to the repeal of laws, have had the same under consideration, and would recommend in lieu thereof, as an additional Section to Article 4, the following :

The Legislature shall not pass any laws repealing or amending any criminal statute or law so as to affect the trial or punishment of any crime already committed at the time of such repeal or amendment, but the existing law as repealed or amended shall continue in full force and effect as to all crimes committed in violation of such repealed or amended law prior to such repeal or amendment.

Very respectfully,

L. W. BETHEL, Chairman Committee.

Which was received, and the new section placed among the orders of the day.

Article XI, on the Judicial Department, also the article reported by the minority of the committee, were read the first time and placed among the orders of the day.

Ordinance —, on Temperance, came up for its second reading.

Mr. Speer offered the following substitute for the original article:

The Constitutional Convention hereby submit to the voters of the State of Florida for their adoption or rejection, as a part of the Constitution, at the same time with the Constitution, but to be voted upon separately therefrom, the following as Article XVIII, the vote to be for or against Article XVIII:

#### ARTICLE XVIII.

SECTION 1. The Board of County Commissioners of each county in the State, not oftener than once in every two years, upon the application of two hundred of the registered voters of any county, shall call and provide for an election in the county in which application is made, to decide whether intoxicating liquors, wines or beer shall be sold therein, within the period of two years from the time of holding each and every one of said elections, the question to be determined by a majority vote of those voting at the election called under this section, which election shall be conducted in the manner provided by law for holding general elections. Elections under this section shall be called within sixty days from the time of presenting said application, but if any such election will thereby take place within sixty days of any State or National election it shall be called sixty days after any such State or National election.

SEC. 2. The Legislature shall provide necessary laws to carry out and enforce the provisions of section 1 of this Article.

Which was read.

Mr. Speer moved that the substitute be adopted in lieu of the original article;

Which was agreed to, and the substitute ordered spread upon the Journal and placed among the orders of the day for tomorrow.

Vice President Yonge was called to the chair.

The consideration of Article VI, on Homestead Exemption, was resumed.

The question was upon the adoption of proposition 8 :

“ Shall any general judgment or money decree be a lien on the homestead, so that at the alienation by the owner, or at his death, or the death of his wife and children, the property may be liable to be sold for debts ? ”

Upon motion of Mr. Blount the proposition was divided.

The question was, Shall any general judgment or money decree be a lien on the homestead at the death of the owner ?

Mr. Orman moved that it should not be ;

Which was agreed to.

Mr. Walker, Jr., moved to reconsider the vote just taken ;

Which was not agreed to.

The question was, Shall any general judgment or money decree be a lien on the homestead at the death of the wife and children ?

Mr. McCaskill moved that the proposition be adopted.

Mr. Greeley moved to amend as follows :

That no execution shall lie against a homestead so long as any person is alive in direct descent from the original owner of the homestead.

Mr. Sanchez moved to lay the substitute and amendments on the table ;

Which was agreed to.

The question was then upon the motion of Mr. Orman, that no general judgment or money decree be a lien on the homestead at the death of the wife or children ;

Which was agreed to.

Mr. Maxwell moved that Article VI be referred back to the committee so that they can prepare an Article in accordance with the views of this Convention as expressed on the propositions offered by Mr. Randall, of Duval ;

Which was agreed to.

Mr. McClellan offered the following proposition :

But no property shall be exempt for taxes, or for the payment of obligations contracted for the purchase of said homestead premises, or of personal property so exempt, or for the erection of improvements thereon, or for house, field or other labor performed on the same, or for burial expenses and physicians' bills in the last sickness, the exemption herein provided for in a city or town shall not extend to more improvements or

buildings than the residence and business house of the owner ; *Provided*, The person or persons entitled to this exemption shall reside and live upon the same or cultivate the same for the benefit of himself or herself and family ;

Which was referred to Committee on Homestead Exemptions.

Mr. Walker, Jr., offered the following proposition :

But the real estate exempt may be disposed of by will, by persons dying without minor children ;

Which was referred to the Committee on Homestead Exemptions.

Article XII, on Taxation and Finance, came up for consideration on its second reading.

Section 1 was read.

Mr. Clarke, of Jefferson, moved to amend as follows :

Strike out all after "purposes," in the 4th line.

Mr. Lesley offered the following amendment :

Strike out all after the word "oil," in 8th line, to and including the word "exempt," in 9th line of Section 1, Article XII.

Mr. Challen offered the following substitute :

Strike out all after the word "purposes" and insert therefor: "There shall also be exempt from taxation for a period of ten years from the adoption of this Constitution manufactured articles in the hands of the manufacturers of all factories in this State."

Mr. McKinnon moved to lay the substitute offered by Mr. Challen on the table ;

Which was agreed to.

The question was upon the amendment offered by Mr. Lesley.

Mr. McKinnon moved to lay the amendment on the table ;

Which was agreed to.

The question was upon the adoption of the amendment offered by Mr. Clarke, of Jefferson.

Mr. Hicks offered to amend the amendment as follows :

Strike out everything in Section 1, after the word "personal" in the 3d line ;

Which, upon motion, was laid upon the table.

Mr. Rogers offered to amend the amendment as follows :

Add after the word "purposes," in 4th line of Section 1, Article XII, the following: "All laws exempting property from taxation, other than the property enumerated in this Section shall be void ;

Which, upon motion, was laid upon the table.

Mr. McCaskill moved to adopt the amendment offered by Mr. Clarke, of Jefferson, and called the previous question.

The previous question was ordered.

The question was upon the adoption of the amendment.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Gibbs, Gillis, Goodbread, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Ives, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Milton, Morgan, McCaskill, McKinnon, Neel, Odom, Orman, Parker, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Tedder, Thompson, Wadsworth, Wall, Walter, Wellman, Westcott, Whitmire, Wilson of Polk and Manatee, Wyly and Zipperer—76.

Nays—Messrs. Bethel, Blount, Broome, Conover, Genovar, Goss, Hausman, Humphries, Jones, Miller, McClellan, Parkhill, Randolph, Taylor, Turnbull, Walker, Jr., Weeks and Yonge—18.

So the amendment was adopted.

Mr. Fowler moved that Section 1 as amended be adopted ;

Which was agreed to, and the Section as amended was declared adopted.

Section 2 was read.

The Committee on Taxation and Finance offered the following amendment, through its Chairman, Mr. McCaskill :

SECTION 2. And the Legislature may impose such conditions and penalties for non-payment of taxes as it shall deem proper.

The question was upon the adoption of the amendment offered by the committee.

Pending discussion, Mr. Malone moved that 500 additional copies of yesterday's Journal be printed, and that hereafter 1,500 copies of the Journal be printed each day ;

Which was agreed to and it was so ordered.

Mr. Bush asked that Mr. Tolbert be indefinitely excused on account of sickness ;

Which was granted.

On motion of Mr. Chandler, the Convention took a recess until 5 o'clock P. M. to-day.



## FIVE O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—102.

A quorum present.

Unanimous consent being given, Mr. Green, of Holmes, introduced a petition from the citizens of Holmes county asking that a portion of the territory of said county be given to Walton county, and he asks that the same be spread upon the Journal, and the petition be laid on the table for further consideration, and he wishes to enter his protest against the granting of the request, as it will virtually destroy the county of Holmes if granted.

Mr. Yonge moved that the petition be read by its title, spread upon the Journal and laid upon the table for further reference ;

Which was agreed to.

*To the Honorable, the Members of the Constitutional Convention of the State of Florida, in Convention assembled :*

Your petitioners, citizens of Holmes county, would most respectfully request your Honorable body that the boundary line of said county be changed so that the Choctawhatchie river be made the boundary line of said county, that the river is a great source of inconvenience to said citizens. Often high waters renders it impossible to cross, and renders it impracticable to attend court, &c., and in duty bound, will ever pray, &c.

W. Murphy, I. Murphy, Isaac Hardy, A. Murphy, S. J. Parrish, S. F. T. Parrish, J. E. Sikes, W. J. Balcom, B. Hotnoy, John T. Mathis, Y. L. Mathis, Ira Anders, Isham Padget, Henry Padget, Berry Morrison, A. H. Parrish, E. A. Whitton, J. W. Whitton, Lovel Moore, L. A. Graves, T. B. Moore, H. T. Edmonds, Steventh Smith, A. Gillmon, J. M. Gillmon, Arella Watson, L. Marlow, George Broxton, D. N. Morrison, N. C. Morrison, J. M. Morrison, H. Smith, William Spears, C. M. Standley, Jake Perkins, W. H. Arrout, Morgan Aront, Henry H. Aront, Alex Anders, Isom Castor, James Castor, Duncan Castor, Joseph Ammons, Fenly Morrison, Henry Terry, Jessie Beck, A. Infinger, J. S. Macon, Warren Baxtor, P. P. Brooks, Jno. W. Aldridge, Sam Monysum, B. E. Brooks, W. J. Standley, W. M. Moore, J. C. Standley, Wesley Godwin, T. J. Mobley, J. L. Longley, Charles Vesterlon, H. Howard, J. M. Hall, J. A. Ramsey, Thomas Hutson, Adam Handy, Kushi Horn, William Horn, Jack Byrd, D. W. Anders, John W. Glover, A. J. Glover, Richard Lewis, W. H. Farmer, James Hunter, W. D. Padget, G. W. Smith, John Smith, L. M. Owens, James Right, Thomas C. Carroll, Michael Keegan, W. L. Tindol, V. M. Scott, T. C. Burges, Elbert Peacock, Calvin Custer, Mildes Anders, R. W. Smith, A. J. Broxton, W. J. Cobb, W. S. Taylor, T. J. Meckler, W. W. Mayo, H. Hendley, J. J. Dukes, Seaborn Jones, W. C. Mayson, W. M. Brown, W. D. Jackson, W. D. Stokes, Edward Moore, William Stephens, B. F. Flowers, M. D. Morrison, S. P. Walden, Jno. Barlow, William Barlow, James Kelly, J. S. Sutton, Charles Sutton, William Sutton, Thomas Standley, James Truitt, Redie Godwin, Henry Morrison, E. D. Brownell, C. H. Minger, James Curry, H. M. Hewett, D. A. Morrison, H. C. Calahan, Wm. Curry, John Curry, H. J. Commander, Lewis Hewitt, B. E. Sellers, W. B. Thomas, Simeon Thomas, Daniel Thomas, Bud Broxton, J. M. Benton, Daniel Owens, W. M. Merchant, Wm. Huggins, W. J. Godwin, Jerry Day, James Dickson, Robert Green, Mack Broxton, J. T. Powell, Wesley Ward, Alford Broxton, John Owens, John Stafford, George Marlow, William Spears, J. E. Younge, Tosy Paul, E. Bowers, Alfred Morral, W. M. Rice, Charles Gainey, S. W. Ganey, A. A. Parker, J. M. Potter, J. C. Ansley.

Mr. Coker moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was corrected and approved.

The Convention resumed the consideration of Article XII. Section 2 was again read.

The question was upon the amendment offered by the Committee.

Mr. Greeley offered the following amendment as a substitute for the amendment ;

The Legislature may provide for such rebate for prompt payment and such interest for deferred payment of taxes as they may deem just.

The question was on the adoption of the substitute.

Mr. McClellan moved to lay the substitute on the table ;

Which was agreed to.

Mr. Miller offered the following amendment as a substitute for the amendment.

The Legislature may provide for the sale of lands for taxes, and may prescribe such reasonable limitations and rules of proceedings and evidence, as will secure to the person purchasing lands at tax sales a good and valid title against the former owner.

Mr. McClellan moved to lay the substitute on the table ;

Which was agreed to.

Mr. McCaskill moved that the amendment offered by the committee be adopted, and called the previous question.

The question was, Shall the main question be now put ?

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Broome, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Duncan, Edge, Fogarty, Fowler, Genovar, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Johnston, Jones, Landrum, Love, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Rowe, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Wadsworth, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay and Wylly—55.

Nays—Messrs. Baker, Bell of Hamilton, Blackburn, Blount, Carter, Challen, Chandler, Conover, Davis, Earle, Gibbs, Gillis, Goss, Greeley, Hicks, Hope, Humphries, Ives, Lesley, Lewis, Lutterloh, Malone, Mann, Marshall, Miller, Mitchell, Pelot, Petty, Randall of Duval, Rogers, Sanchez, Sheats, Thompson, Turnbull, Walker, Jr., Wall, Walter, Wilson of Polk and Manatee, Yonge and Zipperer—40.

So the previous question was ordered, and the question was upon the adoption of the amendment.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bethel, Blount, Broome, Campbell,

Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Duncan, Edge, Fogarty, Genovar, Gillis, Hausman, Hendley, Henderson, Herndon, Hocker, Ives, Johnston, Jones, Lesley, Love, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Odom, Oliveros, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Scott, Taylor, Tedder, Turnbull, Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wyly and Yonge—51.

Nays—Messrs. Bell of Hamilton, Bennett, Blackburn, Challen, Chandler, Conover, Davidson, Davis, Earle, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hatch, Hicks, Hope, Humphries, Landrum, Lewis, Lutterloh, Malone, Mann, Marshall, Miller, Mitchell, Neel, Orman, Parker, Pelot, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Thompson, Wadsworth, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee and Zipperer—47.

So the amendment was adopted.

Mr. Baker gave notice that on to-morrow he would move to reconsider the vote just taken.

The question was upon the adoption of Section 2 as amended.

Mr. Baker moved to strike out the whole section.

Mr. Yonge moved to lay the motion to strike out on the table:

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bethel, Blackburn, Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Ives, Johnston, Jones, Landrum, Lesley, Love, Malone, Mann, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Whitmire, Wilson of Clay, Wyly and Yonge—64.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Broome, Carter, Carr, Carson, Challen, Chandler, Conover, Earle, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Hicks, Humphries, Lewis, Lutterloh, Miller, Mitchell, McKinnon, Neel, Parker, Pelot, Petty, Randall of Duval, Sanchez, Thompson, Wall, Walter, Westcott, Wilson of Polk and Manatee and Zipperer—36.

So the motion to lay on the table was agreed to.



The question was again upon the adoption of Section 2 as amended ;

Which was agreed to, and the Section was declared passed as amended.

Section 3 was read and passed without amendment.

Section 4 was read and passed without amendment.

Section 5 was read and passed without amendment.

Section 6 was read.

Mr. Neel offered to amend as follows :

Strike out "Two dollars " and insert " one dollar " in line five of Section 6, Article XII.

Pending discussion, Mr. Parkhill moved to adjourn until 9 o'clock A. M. to-morrow ;

Which was agreed to, and the Convention was so adjourned.

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## TWENTY-FIFTH DAY.

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THURSDAY, JULY 9, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer  
—103.



A quorum present.

Prayer by the Chaplain.

Mr. Challen moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Mann, Chairman of the Committee on Suffrage and Eligibility, asked leave of the Convention to re-employ the Clerk of said committee until a report could be made ;

Which was agreed to, and the permission granted.

Messrs. Bell, of Brevard and Dade, and Bethel, were excused on account of sickness.

Mr. Walter offered a Petition from the County Commissioners of Duval county in reference to Road and Bridge Tax ;

Which was read and referred to the Committee on County, Township and City Organization.

The roll of committees was called, and the following reports submitted :

Mr. Hocker, Chairman of Committee on Public Institutions, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 9, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Public Institutions, to whom was referred back—

Article X, with the substitute for the same, offered by Mr. Walker, Jr., of Leon, beg leave to report that they have reconsidered Article X, and the substitute, and that they do not think the substitute ought to be adopted. They, therefore, recommend that the said substitute be laid on the table.

In deference to the demand of some members of the Convention for a provision mandatory upon the Legislature to carry into effect the objects of Article X, the committee herewith report an additional section to Article X to be numbered Section 4.

Very respectfully,

W. A. HOCKER,  
Chairman of Committee.

Section 4, Article X, reported by the Committee :

SECTION 4. The first Legislature that convenes after the adoption of this Constitution shall enact the necessary laws to carry into effect the provisions of this article ;

Which was received and the accompanying papers placed among the orders of the day.

Mr. Westcott, Chairman of the Committee on Constitutional Amendments, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 9, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Constitutional Amendments, to whom was referred the following Articles, Ordinances and Resolutions, to-wit: No. 31, by Mr. Gillis, of Putnam, mode of amending the Constitution; Ordinance No. 34, by Mr. Davis, of Gadsden, on the mode of amending and revising the Constitution; Resolution No. 35, by Mr. Baker, of Nassau, on the revision of the Constitution; Resolution No. 87, by Mr. Herndon, on revision of Constitution, and Resolution No. —, by Mr. Davidson, of Dade, on the revision of the Constitution, respectfully report that we have examined the same and have incorporated into the report such portions of them as your committee thought advisable, and return them back to the Convention for their action.

And also the following were referred to your committee, to-wit: Ordinance No. 68, by Mr. Petty, of Nassau, on registration; also, Resolution No. 74, by Mr. Petty, relating to the adoption of the Constitution; also, Resolution No. 96, by Mr. Goss, of Marion, relating to the right of the people to vote for officers, and Resolution No. 5, by Mr. Hendley, relating to election, which we think were improperly referred to this committee, and return them to the Convention and ask that they be referred to their appropriate committees.

Very respectfully,

JOHN WESTCOTT,  
Chairman Committee.

## ARTICLE XVII.

SECTION 1. Either branch of the Legislature, at a regular session thereof, may propose amendments to this Constitution; and if the same be agreed to by two-thirds of all the members elected to each House, such proposed amendments shall be entered upon their respective Journals with the yeas and nays, and published in one newspaper in each county where a newspaper is published, for three months immediately preceding the next general election of Representatives, at which time the same shall be submitted to the electors of the State, for approval or rejection. If a majority of the electors voting at such election adopt such amendments, the same shall become a part of the Constitution. Such proposed amendments shall

be so submitted as to enable the electors to vote on each amendment separately.

SEC. 2. If at any time the Legislature, by a vote of two-thirds of all the members of both Houses, shall determine that a revision of this Constitution is necessary, such determination shall be entered upon their respective Journals, with the yeas and nays thereon. Notice of said action shall be published weekly in one newspaper in every county in which a newspaper is published, for three months preceding the next general election of Representatives. The electors at said election may vote for or against the revision in question. If a majority of the electors so voting be in favor of revision, the Legislature chosen at the said election shall provide by law for a Convention to revise the Constitution, said Convention to be held within six months after the passage of such law. The Convention shall consist of one member from each county in the State.

Which was read, and the accompanying papers placed among the orders of the day, and 200 copies of Article 17, accompanying the report, ordered printed.

Mr. Yonge, Chairman of the Committee on County, Township and City Organization, made the following report:

CONVENTION HALL,  
TALLAHASSEE, FLA., July 8, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on County, Township and City Organization, to whom was referred—

Resolution No. 59, introduced by Mr. Wilson, of Polk county, relating to the formation of new counties, beg leave to report that they have examined the same, but having already reported to the Convention upon the same subject, your Committee herewith refer the said Resolution back to the Convention, with the recommendation that the same be laid upon the table.

Very respectfully,

J. E. YONGE,

Chairman Committee on County, Township and City Organization.

Which was received, and the accompanying papers placed among the orders of the day.

The additional section to the Preamble and Bill of Rights was read the first time, and placed among the orders of the day.

The consideration of Article XII, on Taxation and Finance, was resumed.

Mr. McClellan moved to reconsider the vote by which section 2, Article XII, was adopted on yesterday ;

Which was agreed to.

Mr. McClellan moved to reconsider the vote by which the following amendment to section 2, Article XII, was adopted yesterday :

Insert at the end of section 2 "and may impose such conditions and penalties for non-payment of taxes as it shall deem proper ;"

Which was agreed to, and the vote was reconsidered.

The question was upon the adoption of the amendment as read.

Mr. Rogers moved to lay the amendment on the table ;

Which was agreed to.

Section 2 was then passed as printed and read.

Section 6 was read.

The pending amendment, offered by Mr. Neel on yesterday, was read as follows :

Strike out "two dollars" and insert "one dollar" in line five of Section 6, Article XII ;

Which was agreed to.

Mr. Rogers offered the following amendment :

Strike out all the section after the word "licenses" in 5th line, and add in lieu the following : "But the capitation tax shall not exceed one dollar per annum, and half of which shall be applied to common school purposes, and the remaining half to the keeping in good repair the public roads and highways of the counties in which said tax is collected."

Mr. McCaskill moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid upon the table.

Mr. Goodbread offered the following amendment :

Strike out in line 5 the words "two dollars" and insert in lieu thereof the words "one dollar," and strike out all after the word "annum" in line 5.

Mr. Chandler moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid upon the table.

Mr. Marshall offered to amend as follows :

Strike out in lines 2 and 3 "and for no other purposes ;"

Which was not agreed to.

Mr. Sheats offered the following amendment :

After "counties" in the 1st line, insert "School Districts

as may be provided by law;" also, insert after "county" in the 2d line, "School District";

Which was withdrawn.

Mr. Bush offered the following amendment:

Insert in 4th line, after the word "taxation," in Section 6, "But the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits;"

Which was agreed to and the amendment was adopted.

Mr. Sheats renewed his amendment as follows:

By inserting after "counties, in the first line, "school districts as may be provided by law;" also, insert after "county," in the second line, "school district."

Mr. Clarke, of Jefferson, moved to lay the amendment on the table;

Which was agreed to and the amendment was laid upon the table.

Mr. Hatch offered the following amendment:

Strike out in lines 4 and 5, "a tax on license" and insert in lieu thereof "a license tax."

Mr. Walker, Jr., offered to amend the amendment as follows:

On intoxicating liquors, wines and beer.

Mr. Yonge moved to lay the amendment to the amendment on the table;

Which was agreed to.

The question was upon the amendment offered by Mr. Hatch.

Mr. Malone moved to lay the amendment on the table;

Which was agreed to.

Mr. Challen offered to amend as follows:

Amend Section 6 by striking out in the 4th and 5th lines "a tax on licenses," and insert "occupation taxes."

Mr. Turnbull moved to lay the amendment on the table;

Which was agreed to.

The question was upon the adoption of Section 6, as amended.

Mr. Johnston offered the following substitute for the entire Section:

The Legislature shall authorize the several counties and incorporated towns and cities in this State to impose taxes and assessments for county and municipal purposes, and for no other purposes, and all property shall be taxed upon the principle established for State taxation. But incorporated cities and towns of not less than two thousand inhabitants shall have the power to assess and levy a special tax for any local im-



provements within their corporate limits upon all property directly and specially benefited by such improvements; *Provided*, Such special tax for local improvements shall never in any one year exceed one per centum of the assessed valuation upon the property to be specially taxed. The Legislature may also provide for levying a special capitation tax, and a special license tax on such business enterprises as it may see proper, but the capitation tax shall not exceed one dollar per annum, and shall be applied exclusively to common school purposes.

Mr. Paterson moved to lay the substitute on the table;

Which was agreed to.

Mr. Baker gave notice that he would on to-morrow move to reconsider the vote just taken by which the substitute was laid upon the table.

Mr. Orman offered the following amendment:

Insert in line one, after the word "incorporated" the words "cities or;"

Which was accepted by the committee.

Mr. Chandler moved to defer further action on section 6 until to-morrow;

Which was not agreed to.

Mr. Maxwell moved to reconsider the vote by which the substitute for section 6, offered by Mr. Johnston, was laid upon the table, and further moved to lay that motion on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Blount, Bush, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Genovar, Gillis, Hausman, Herndon, Humphries, Jones, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Oliveros, Orman, Paterson, Randell of Madison, Scott, Speer, Stone, Swearingen, Tedder, Wadsworth, Whitmire, Wilson of Polk and Manatee and Yonge—35.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Broome, Carr, Challen, Chandler, Conover, Davidson, Duncan, Earle, Edge, Fogarty, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Hicks, Hocker, Johnston, Landrum, Lesley, Lewis, Lutterloh, Mann, Marshall, Miller, Mitchell, McKinnon, Odom, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randolph, Richard, Rogers, Rowe, Sanchez, Sheats, Taylor, Thompson, Tompkins, Turnbull, Walker, Jr., Wall, Walter, Weeks, Wellman, Wilson of Clay, Wyly and Zipperer—60.

So the motion to reconsider and lay upon the table, was not agreed to.

Mr. Wellman moved that further action on Section 6 be postponed until to-morrow ;

Which was not agreed to.

Mr. Sanchez moved to take the substitute for Section 6, offered by Mr. Johnston, from the table ;

Which was agreed to, and the substitute was taken from the table.

Mr. McClellan moved to recommit Section 6, as amended, with the substitute to the committee ;

Which was agreed to, and the section, as amended, and the substitute was recommitted.

Section 7 was read.

Mr. Randall, of Duval, offered the following amendment :

Or for the purpose of redeeming or refunding bonds already issued at a lower rate of interest ;

Which was accepted by the committee.

Section 7 was then passed, as amended.

Section 8 was read.

Mr. Walter moved to amend as follows :

Strike out all after "chartered companies" in second line ;

Which was not agreed to, and section 8 was passed without amendment.

Section 9 was read.

Mr. Rogers offered to amend by adding the following :

Provided such taxes are due.

Mr. Swearingen offered the following amendment to the amendment, which was accepted by Mr. Rogers in lieu of the amendment :

In section 9 strike out from "or," in second line, to "legally" in third line ;

Which was withdrawn.

Mr. Landrum offered the following amendment :

In Section 9, line 1, after the word "person" insert "or corporation." Insert "or it," after "he," in 2d line, and "or its," after "his," in 3d line ;

Which was accepted.

Section 9 was then passed as amended.

Section 10, was read.

Mr. Swearingen offered the following amendment :

In Section 10, add in third line, after "limb," "or been disabled ;"

Which was adopted.

Mr. Clark, of Jackson, offered the following amendment :

Add after the word "widow," in line 2, the words "or unmarried woman."

Mr. McCaskill moved to lay the amendment on the table ;

Which was agreed to.

Mr. Goodbread moved to amend as follows :

In line one strike out "two" and insert "four."

Mr. Parkhill moved to lay the amendment on the table ;

Which was agreed to.

Section 10 was passed as amended. .

Mr. Malone offered the following additional Section to Article 12 :

SECTION 11. The credit of the State shall not be pledged or loaned to any individual, company, corporation or association ; nor shall the State become a joint owner or stockholder in any company, association or corporation. The Legislature shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to any corporation, association, institution or individual.

Pending discussion, the Convention took a recess until 5 o'clock P. M. to-day.

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## FIVE O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingin, Taylor, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—98.

A quorum present.

The Convention resumed the consideration of Article XII.

Section 11, as offered by Mr. Malone, was read and passed without amendment.

Mr. McCaskill, Chairman of the Committee on Taxation and Finance, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 9, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Taxation and Finance to whom was referred—

The substitute for Section 6, Article XII, offered by Mr. Johnston, of Alachua, beg leave to say that they have examined the same and would refer it back to the Convention with the recommendation that it be laid on the table.

They would further state that they have carefully examined Section 6 of Article XII, which was recommitted, and would recommend the passage of the same as amended by the Convention.

Very respectfully,

A. L. McCASKILL,  
Chairman of Committee.

Section 6 as reported by the committee was read

The question was upon the adoption of the section.

Section 6 was passed as amended.

Mr. Orman offered the following additional section :

ADDITIONAL SECTION 12. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State may be a party.

The question was upon the adoption of the additional section ;

Which was not agreed to.

Mr. Rogers offered the following additional Section :

SECTION —. The Legislature may provide for the sale of lands for the non-payment of taxes, and shall prescribe such limitations and rules of proceedings and evidence as will secure to the purchaser at tax sales a good and valid title. All laws in reference to the sale of lands for taxes shall be liberally and beneficially constructed in favor of the tax title ;

Which was read.

The question was upon the adoption of the additional Section.

Mr. Blackburn moved to amend by striking out all the words after the word "title" in the 6th line.

Mr. Paterson moved to lay the Section and the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Campbell, Carson, Challen, Clarke of Jefferson, Coker, Cook, Davidson, Duncan, Edge, Fowler, Genovar, Gillis, Green, Hausman, Henderson, Hope, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, McCaskill, McClellan, McKinnon, Parker, Parkhill, Paterson, Pelot, Randell of Madison, Randolph, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder and Turnbull—42.

Nays—Messrs. Baker, Bennett, Blackburn, Blount, Broome, Bush, Carter, Carr, Chandler, Clark of Jackson, Conover, Davis, Earle, Fogarty, Gibbs, Goodbread, Goss, Greeley, Hargret, Hatch, Hendley, Herndon, Hicks, Humphries, Ives, Johnston, Lesley, Mann, Miller, Mitchell, Monsalvatge, Morgan, Neel, Odom, Oliveros, Orman, Parsons, Randall of Duval, Richard, Rogers, Rowe, Sheats, Thompson, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—56.

So the motion to lay upon the table was not agreed to.

The question was then upon the amendment offered by Mr. Blackburn ;

Which was agreed to.

The question was then upon the adoption of the additional section, as amended.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Blackburn, Bush, Carr, Chandler, Conover, Genovar, Gibbs, Greeley, Hargret, Hatch, Hendley, Herndon, Hicks, Hope, Ives, Johnston, Lesley, Miller, Mitchell, Monsalvatge, Morgan, Neel, Oliveros, Petty, Randall of Duval, Richard, Rogers, Sheats, Stone, Tompkins, Walker, Jr., Walter, Wellman, Wilson of Clay, Wilson of Polk and Manatee and Wyly—39.

Nays—Messrs. Bell of Hamilton, Bennett, Blount, Broome, Campbell, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Gillis, Goss, Green, Hausman, Henderson, Humphries, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, McCaskill, McClellan, McKinnon, Odom, Orman, Parker, Parkhill, Paterson, Pelot, Randell of Madison, Randolph, Rowe, Scott, Speer, Swearingen, Taylor, Tedder, Thompson, Turnbull, Wadsworth, Wall, Weeks, Westcott, Whitmire, Yonge and Zipperer—59.

So the additional section was not adopted.



Mr. McCaskill moved that Article XII be re-engrossed and passed to its third reading;

Which was agreed to, and it was so ordered.

## ARTICLE XII.

### TAXATION AND FINANCE.

SECTION 1. The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

SEC. 2. The Legislature shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State.

SEC. 3. No tax shall be levied except in pursuance of law.

SEC. 4. No money shall be drawn from the Treasury except in pursuance of appropriations made by law.

SEC. 5. An accurate and detailed statement of receipts and expenditures of the public moneys shall be published with the laws at each regular session of the Legislature.

SEC. 6. The Legislature shall authorize the several counties and incorporated cities or towns in the State to impose taxes and assessments for county and corporation purposes, and for no other purposes, and all property shall be taxed upon the principle established for State taxation. But the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits. The Legislature may also provide for levying a special capitation tax, and a tax on licenses. But the capitation tax shall not exceed one dollar per annum and shall be applied exclusively to common school purposes.

SEC. 7. The Legislature shall have power to provide for issuing State bonds only for the purpose of repelling invasion or suppressing insurrection, or for the purpose of redeeming or refunding bonds already issued at a lower rate of interest.

SEC. 8. No tax shall be levied for the benefit of any chartered company of the State, or for paying interest on any bonds issued by said chartered companies, or by counties, or by corporations, for the above mentioned purpose.

SEC. 9. No person or corporation shall be relieved by any court from the payment of any tax which may be illegal or illegally or irregularly assessed, until he or it shall have paid

such portion of his or its taxes as may be legal, and legally and regularly assessed.

SEC. 10. That there shall be exempt from taxation personal property to the value of two hundred dollars to every widow who has a family dependent upon her for support, and to every person who has lost a limb or been disabled in war or by misfortune.

SEC. 11. The credit of the State shall not be pledged or loaned to any individual, company, corporation or association; nor shall the State become a joint owner or stockholder in any company, association or corporation. The Legislature shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

On motion of Mr. Walker, Jr., the Convention adjourned until 9 o'clock A. M. to-morrow.

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## TWENTY-SIXTH DAY.

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FRIDAY, JULY 10, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malore, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone,

Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay. <sup>Wilson</sup> of Polk and Manatee, Wylly, Yonge and Zipperer—100.

A quorum present.

Prayer by the Chaplain.

Mr. Turnbull moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Baker moved to correct the Journal so as to show the vote by which a certain motion made by him on yesterday was expunged from the Journal.

The President submitted the question of entertaining the motion to a vote of the House, and the House refused to entertain the motion.

Mr. Baker arose to a question of privilege.

The President ruled that the gentleman was not speaking to a question of privilege, but was discussing the subject matter just disposed of by a vote of the House.

Mr. Baker appealed from the decision of the Chair, and said, "I see that the Chair is determined to rule arbitrarily, unjustly and unfairly, and I will take my seat."

Mr. Malone asked that the words just uttered by Mr. Baker be taken down, as offensive to, and against the dignity of the body ;

Which was done.

Mr. Blount moved a vote of censure against Mr. Baker for uttering the offensive words.

The question was upon the vote of censure.

The words were read as follows :

I see that the Chair is determined to rule arbitrarily, unjustly and unfairly, and I will take my seat.

And Mr. Baker stated that the words were his as recorded.

Mr. Baker then withdrew from the Hall.

Mr. Greeley moved that a committee of five be appointed to take this matter into consideration and report to-morrow.

Mr. McClellan moved to lay the motion on the table ;

Which was agreed to.

Mr. Walker moved to postpone further action until to-morrow ;

Which was not agreed to.

The question was on the vote of censure.

On motion of Mr. Hicks, further consideration of the vote of censure was postponed until to-morrow.

Mr. Sanchez moved that the consideration of Article XI,

on Judicial Department, on its second reading, be made a special order for Tuesday next;

Which was agreed to.

The roll of committees was called, and the following reports submitted:

Mr. Love, Chairman of the Committee on Miscellaneous Provisions, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 10, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Miscellaneous Provisions to whom was referred—

Article No. 56, relative to the boundaries of the State, beg leave to report that they have carefully considered the same and recommend that the accompanying Article entitled "boundaries" be adopted.

Very respectfully,

E. C. LOVE,

Chairman of Committee.

[No. 56.]

## ARTICLE I.

### BOUNDARIES.

The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; then due east to the Chattahoochee river; then down the middle of said river to its confluence with the Flint river; from thence straight to the head of the St. Marys river; then down the middle of said river to the Atlantic ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land, to a point west of the mouth of the Perdido river; thence to the place of beginning.

Which was ordered spread on the Journal.

Mr. Wylly, Chairman of the Committee on Public Health, asked that Article —, on Public Health, be taken up on its third reading;

Which was agreed to.



Article —, on Public Health, was read the third time, and put upon its passage.

The roll was called.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Duncan, Earle, Edge, Fogarty, Genovar, Gibbs, Gillis, Goodbread, Greeley, Green, Hargret, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann Maxwell, Miller, Milton, Mitchell, Monsalvatage, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Taylor, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—85.

Nays—Messrs. Bell of Hamilton, Fowler, Hicks and Zipperer—4.

So the Article —, on Public Health, was passed.

Mr. Bethel, Chairman of Committee on Legislative Department, moved that Article IV, on Legislative Department, be put upon its final passage ;

Which was agreed to.

The question was upon the final passage of Article IV.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Ives, Jones, Landrum, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Monsalvatge, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wyly, Yonge and Zipperer—78.

Nays—Messrs. Challen, Chandler, Fowler, Gibbs, Goss, Greeley, Green, Hargret, Hope, Lesley, Miller, Mitchell, McCaskill, Richard, Thompson, Walter and Wilson of Polk and Manatee—17.

So Article IV, on Legislative Department, was passed.



Article XVIII, on Temperance, came up for consideration on its second reading.

Section 1 was read.

Mr. Bennett offered to amend Section 1 as follows :

Strike out the words "two hundred" and insert "one fourth." Strike out the words "Within the period of two years from holding each and every one of said elections ;"

Which was adopted.

Mr. Hocker offered to amend as follows :

In the last line of first section, insert the word " within " between the words " called " and " sixty ;"

Which was accepted.

Mr. Lesley offered the following amendment :

Add after the word " therein," in sixth line, the words " as a beverage ;"

Which was not agreed to.

Mr. Hendley offered to amend as follows :

In line four, after the word " any," strike out the word " county " and insert the words " election district of any county ;" in same line after the word " the " insert the word " district."

Mr. Humphries offered the following amendment to the amendment:

Add after " election " in eleventh line, " *Provided*, That intoxicating liquors, either spirituous, vinous or malt, shall not be sold in any election district in which a majority vote was cast against the same at the said election ;"

Which was accepted by Mr. Hendley.

Mr. Conover moved to postpone the further consideration of Article 18 until August 9.

Mr. Speer moved to lay the motion on the table ;

Which was agreed to.

The question was then on the amendment offered by Mr. Humphries.

Mr. Conover moved to amend the amendment as follows :

In line 6, after the word " malt," insert "except for medicinal purposes ;"

Which was not agreed to.

Mr. Parsons offered to amend the amendment as follows :

Add " opium " in all its forms among the liquors. I don't know where.

Mr. Rogers moved to lay the amendment to the amendment on the table ;

Which was agreed to.

The question was again on the adoption of the amendment offered by Mr. Humphries ;

Which was agreed to and the amendment was adopted.

Mr. Malone moved to amend as follows :

In Section 1 of Temperance insert after "whether," in 5th line, the words "the sale of," and strike out the word "sold," in 6th line, and insert "prohibited ;"

Which was agreed to.

Mr. Pelot offered the following amendment :

Amend by inserting after "election," in 11th line : "*Provided*, That nothing herein contained shall be construed to prevent alcohol or other stimulant from being dispensed, under proper regulations and restrictions of law, by druggists, upon the prescription of practicing physicians, or from its being used by druggists in medicinal preparations."

Mr. Randolph moved to lay the amendment on the table ;

Which was agreed to.

Mr. Randolph offered the following amendment :

In 2d line strike out "two" and insert "four ;"

Which was not agreed to.

The question was upon the adoption of Section 1, Article 18, as amended.

Mr. Fowler offered the following substitute for the Section :

The Legislature shall, at its first session after the adoption of this Constitution, pass such laws as are necessary to submit to a vote of the qualified electors of every county or district in this State, the question as to the mode and manner of selling or not selling spirituous or malt liquors in the respective counties of this State, and shall pass such laws thereafter as may be necessary and proper to regulate or restrict the liquor traffic in this State by a vote of the electors thereof.

Mr. Sheats moved to lay the substitute on the table ;

Which was agreed to.

Mr. Monsalvatge offered the following substitute :

The Legislature is hereby prohibited forever from passing any laws which may in any way, shape or form dictate to the people of this State what they shall eat or drink, but may pass laws providing for the punishment of drunkenness.

Mr. Sheats moved to lay the substitute on the table ;

Which was agreed to.

Mr. Goss offered the following substitute :

ORDINANCE NO. —. The Legislature may provide by law for the regulation, restraint or prohibition of the manufacture or sale of spirituous, vinous and malt liquors.

Mr. Wylly moved to lay the substitute on the table ;

Which was agreed to.

The question was upon the adoption of Section 1, Article XVIII, as amended.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bennett, Bethel, Blackburn, Broome, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Cook, Davis, Duncan, Earle, Fowler, Genovar, Gibbs, Goss, Greeley, Green, Hargret, Hatch, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Lewis, Lutterloh, Malone, Mann, Marshall, Miller, Morgan, McCaskill, McKinnon, Odom, Orman, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Rogers, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Tompkins, Turnbull, Wardsworth, Wali, Weeks, Wellman, Westcott, Wilson of Clay, and Wyly—64.

Nays—Messrs. Bell of Hamilton, Blount, Bush, Carr, Clark of Jackson, Coker, Conover, Davidson, Edge, Fogarty, Gillis, Goodbread, Henderson, Jones, Love, Maxwell, Monsalvatge, McClellan, Neel, Oliveros, Parker, Paterson, Richard, Rowe, Taylor, Tedder, Thompson, Walker, Jr., Whitmire, Wilson of Polk and Manatee, and Yonge—31.

So the section as amended was adopted.

Section 2 was read and adopted without amendment.

Upon motion of Mr. Speer, Article XVIII was passed as amended, ordered spread upon the Journal and engrossed for a third reading.

## ARTICLE XVIII.

SECTION 1. The Board of County Commissioners of each county in the State, not oftener than once in every two years, upon the application of one-fourth of the registered voters of any county, shall call and provide for an election in the county in which application is made, to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited therein, the question to be determined by a majority vote of those voting at the election called under this section, which election shall be conducted in the manner provided by law for holding general elections. *Provided*, That intoxicating liquors, either spirituous, vinous or malt, shall not be sold in any elective district in which a majority vote was cast against the same at the said election. Elections under this section shall be held within sixty days from the time of presenting said application, but if any such election will thereby take place within sixty days of any State or National election, it shall be held within sixty days after any such State or National election.

SEC. 2. The Legislature shall provide necessary laws to carry out and enforce the provisions of Section 1 of this Article.

Mr. Walker, Jr., offered the following resolution, and moved that the rules be waived that it might be immediately considered :

*Whereas*, There were certain proceedings of this Convention on the 9th inst., which are omitted in the Journal of that day, without it appearing from said Journal why said proceedings were omitted, that a committee of five be appointed to ascertain and report why such proceedings were omitted.

The question was upon the waiving of the rules.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Bush, Carr, Challen, Chandler, Conover, Duncan, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Henderson, Herndon, Hicks, Hocker, Lewis, Marshall, Miller, Monsalvatge, McCaskill, McKinnon, Neel, Pelot, Petty, Randall of Duval, Rogers, Rowe, Sheats, Tedder, Thompson, Tompkins, Walker, Jr., Wall, Wilson of Clay and Wyly—43.

Nays—Messrs. Blount, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Earle, Fogarty, Genovar, Gillis, Hatch, Hope, Humphries, Ives, Johnston, Jones, Love, Lutterloh, Malone, Mann, Morgan, McClellan, Odom, Oliveros, Orman, Parkhill, Paterson, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Swearingen, Taylor, Wadsworth, Weeks, Whitmire, Wilson of Polk and Manatee and Yonge—44.

So the motion was lost.

Upon motion of Mr. Johnston, the Convention took a recess until 5 o'clock P. M. to-day.

## FIVE O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum,

Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—99.

A quorum present.

Mr. Tedder was excused until Monday next.

Article IX, on Education, came up for consideration on its second reading.

Section 1 was read and adopted without amendment.

Section 2 was read and adopted without amendment.

Section 3 was read.

Mr. Conover moved to amend by using the words "Superintendent of Public Instruction," instead of "State Superintendent of Schools ;"

Which was agreed to, and the section was adopted as amended.

Section 4 was read and adopted without amendment.

Section 5 was read and adopted without amendment.

Section 6 was read and adopted without amendment.

Section 7 was read.

Mr. Parsons offered to amend as follows:

Strike out "twenty-one" and insert "sixteen" in line 3.

Mr. Coker offered the following amendment to the amendment:

Strike out "16" and insert "18."

Mr. Johnston moved to lay the amendment to the amendment, and the amendment, on the table ;

Which was agreed to.

Mr. Blount offered the following amendment :

Strike out the words "and the special tax."

Mr. Marshall moved to lay the amendment on the table ;

Which was agreed to.

Section 7 was then adopted as read.

Section 8 was read.

Mr. Randell, of Madison, offered the following amendment :

In line 2, strike out "three" and insert "two."

Mr. Taylor moved as a substitute for the amendment, to strike out "five" and insert "three," strike out "three" and insert "one ;"

Which was accepted by Mr. Randell.



Mr. Landrum offered to amend the amendment as follows :  
Strike out "three" and insert "two and a half mills ;"  
Which was withdrawn.

Mr. Clarke, of Jefferson, moved to strike out "3" and insert "1," and strike out "5" and insert "3."

Mr. Turnbull moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Randell, of Madison, renewed his amendment as follows :

In line 2 strike out "3" and insert "2 ;"

Which was laid upon the table.

Mr. Scott offered to amend as follows :

Add to the Section 8, *Provided*, a majority of the freeholders shall be in favor of such assessment.

Upon motion, the amendment was laid on the table.

Mr. Stone moved to amend as follows :

Strike out "3" and insert "not to exceed 4 mills."

Mr. Johnston moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Malone offered the following substitute :

SECTION 8. Each county shall be required to assess and collect annually a tax on all of the taxable property therein, for the support of the public schools therein.

Upon motion, the substitute was laid upon the table.

Section 8 was then passed.

Mr. Orman, Chairman of the Committee on Homestead Exemptions, obtained leave and submitted the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 10, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Homestead and Exemptions to whom was recommitted Article VI, as previously reported by them, and to whom was also referred amendments to sections 2 and 3 of said Article by Mr. Blackburn, of Suwannee, and amendments thereto by Mr. McClellan, of Jackson, and also an amendment by Mr. Hargret, of Wakulla, now respectfully refer said amendments back to the Convention, and recommend that they be laid on the table.

We also herewith report a new Article VI, prepared by us in accordance with the views of this Convention as expressed by the majority on voting on the propositions offered by Mr. Randall, of Duval, and recommend its adoption by the Convention.

Very respectfully,

W. T. ORMAN,  
Chairman of Committee.

## ARTICLE VI.

## HOMESTEAD AND EXEMPTIONS.

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempt from forced sale under process of any court, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes or assessments, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner; and no judgment or decree or execution shall be a lien upon exempted property except as provided in this Article.

SEC. 2. The exemptions here provided for in section one shall inure to the widow and heirs of the party entitled to such exemption, and shall apply to all debts, except as specified in said section.

SEC. 3. The exemptions provided for in the Constitution of this State adopted in 1868 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

SEC. 4. Nothing in this article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage duly executed by himself or herself, and by husband and wife, if such relation there be.

SEC. 5. The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article.

Which was received and ordered spread upon the Journal.

Upon motion of Mr. Sheats, the Convention adjourned until 9 o'clock A. M., to-morrow.

## TWENTY-SEVENTH DAY.

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SATURDAY, JULY 11, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Carter, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Pater-son, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Swearingen, Taylor, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, West-cott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—96.

A quorum present.

Prayer by the Chaplain.

Mr. Mitchell moved that the reading of the Journal be dis-pensed with ;

Which was agreed to.

Mr. Walker, Jr., moved to correct the Journal as follows :

The President refused to put the motion, except by consent of the House, stating that the House decided yesterday to ex-clude the matter from the Journal. Mr. Baker then moved to submit the question of entertaining the motion to a vote of the House. The yeas and nays were called for, and the Chair re-fused to entertain the call.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Bush, Carr, Chal-len, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Har-gret, Lewis, Miller, Mitchell, Petty, Randall of Duval, Thompson, Tompkins, Walker, Jr., Walter and Zipperer—23.

Nays—Messrs. Blackburn, Blount, Campbell, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hatch, Hendley, Henderson, Herndon, Hocker, Humphries, Ives, Johnston, Jones, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Monsalvatge, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Wall, Weeks, Wellman Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—67.

So the motion was not agreed to.

The Journal was corrected and approved.

On motion of Mr. Challen Hon. D. C. Dawkins was invited to a seat within the bar.

On motion of Mr. Walker, Jr., Mayor C. C. Pearce was invited to a seat within the bar.

On motion of Mr. Walter the Honorable Postmaster of Tallahassee was also invited to a seat within the bar.

The resolution offered by Mr. Walker, Jr., on yesterday as follows:

WHEREAS, There were certain proceedings of this Convention on the ninth instant, which are omitted in the Journal of that day, without it appearing from said Journal why said proceedings were omitted, that a committee of five be appointed to ascertain and report why such proceedings were omitted,

Came up for consideration.

Mr. Monsalvatge offered the following resolution as a substitute :

Whereas, It is supposed that certain proceedings of this Convention on the 9th inst. were omitted in the Journal of that day, without it appearing from said Journal why said proceedings were omitted, that a committee of five be appointed to ascertain and report if any proceedings have been omitted, and why they were omitted ;

Which was accepted by Mr. Walker, Jr.

Mr. Yonge offered the following substitute :

Whereas The Journals of the proceedings of this Convention, as kept and corrected under its rules and supervision are correct, that there exists no necessity for any investigation by a committee or otherwise, as contemplated by the resolution by the gentleman, Mr. Walker, Jr.

Mr. Chandler raised the point of order that the substitute was not germane.

The President overruled the point of order.

Mr. Walker, Jr., moved to lay the substitute on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Blackburn, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Hicks, Ives, Lewis, Miller, Mitchell, Monsalvatge, McCaskill, McKinnon, Pelot, Petty, Randall of Duval, Rogers, Thompson, Tompkins, Walker, Jr., Walter and Zipperer—32.

Nays—Messrs. Blount, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hendley, Henderson, Hocker, Humphries, Johnston, Jones, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—60.

So the motion to lay on the table was not agreed to.

Mr. Yonge moved that the substitute be adopted and moved the previous question.

The question was, "Shall the previous question be put?"

Which was agreed to, and the previous question was ordered.

The question was upon the adoption of the substitute offered by Mr. Yonge.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Blount, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hendley, Henderson, Herndon, Hocker, Humphries, Johnston, Jones, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—60.

Nays—Messrs. Baker, Bell of Hamilton, Blackburn, Broome, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Ives, Lesley, Lewis, Miller, Mitchell, Monsalvatge, McKinnon, Pelot, Petty, Randall of Duval, Rogers, Rowe, Thompson, Tompkins, Walker, Jr., Walter and Zipperer—32.



So the substitute was adopted.

Mr. Blount called up the motion made by him yesterday that a vote of censure be taken against Mr. Baker, of Nassau, for offensive words used by him.

Mr. Baker withdrew from the Hall.

Mr. Walker, Jr., offered the following substitute for the motion :

*Whereas*, The words used by the gentleman from Nassau are not in themselves objectionable, and can only be made so by it appearing that the assertion contained in said words is false ; therefore, be it

*Resolved*, That the gentleman cannot be censured, as the House has refused to investigate.

Mr. Blount moved to lay the substitute on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Blackburn, Blount, Broome, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Ives, Johnston, Jones, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Monsalvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—71.

Nays—Messrs. Bell of Hamilton, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hargret, Lewis, Miller, Mitchell, Petty, Randall of Duval, Rowe, Thompson, Tompkins, Walker, Jr., and Walter—20.

So the motion to lay upon the table was agreed to.

Mr. Blount moved the vote of censure and called the previous question.

The question was, Shall the main question be now put ?

Which was agreed to, and the previous question was ordered.

The question was on the vote of censure against Mr. Baker, of Nassau.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Blackburn, Blount, Broome, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Henley, Henderson, Herndon, Hicks, Hocker,

Humphries, Ives, Johnston, Jones Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—66.

Nays—Messrs. Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Lewis, Miller, Mitchell, Monsalvatge, McKinnon, Oliveros, Petty, Thompson, Tompkins, Walker, Jr., Walter and Zipperer—25.

So the vote of censure was passed.

Mr. Randall, of Duval, gave notice that he would on Monday move a reconsideration of the vote just taken.

The roll of committees was called and the following reports submitted:

Mr. Lesley, Chairman of the Committee on Private Corporations, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 11, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Private Corporations to whom was referred—

Various Articles and Resolutions relating to private corporations have considered with careful interest each and every Article and Resolution herewith returned, and respectfully recommend that the accompanying Article, entitled Private Corporations, be adopted.

Very respectfully,

JOHN T. LESLEY,  
Chairman of Committee.

Which was received.

## ARTICLE NO. —.

### PRIVATE CORPORATIONS.

SECTION 1. The Legislature is invested with full power to pass laws to correct abuses and prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons, property, power and messages, or performing other service of a public nature, and shall provide for enforcing such laws by adequate penalties or forfeitures.

SEC. 2. No railroad or other transportation company in the State shall grant a free pass, or discount the fare paid by the public generally, to any member of the Legislature, or to any officer holding office under this State, and the Legislature shall prohibit the granting or receiving such free pass, or fare at a discount, by suitable penalties.

Mr. Challen offered the following minority report :

CONVENTION HALL, TALLAHASSEE, FLA., July 11, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : The undersigned, members of the Committee on Private Corporations, beg leave to submit as their report the accompanying Article.

Very respectfully,

JAMES R. CHALLEN,  
AMOS HARGRET.

Which was also received, and 200 copies of the Articles accompanying each report ordered printed.

## ARTICLE NO. —.

### PRIVATE CORPORATIONS.

SECTION 1. The Legislature shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws ; but all such laws may from time to time be altered or repealed.

SEC. 3. All existing charters or grants of special or exclusive privileges under which a *bona fide* organization shall not have taken place, and business been commenced, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 4. The Legislature shall not remit the forfeiture of the charter, grant or franchise of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 5. The stockholders of all corporations created by the laws of this State shall be liable for the indebtedness of such corporations to the amount of their stock subscribed and unpaid and no more ; provided that the liability of stockholders of banks and banking institutions may be increased and enlarged by the Legislature.

SEC. 6. The directors of a corporation shall be chosen at one time by general ticket at elections for directors, each share-

holder shall have as many votes as the number of shares held by him multiplied by the number of directors to be chosen, and may cast all his votes for one candidate or distribute them as he sees fit.

SEC. 7. No property shall be appropriated to the use of a corporation until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men in a court of record as may be prescribed by law.

SEC. 8. The exercise and claim of the right of eminent domain by any corporation shall constitute the domain occupied and used by such corporation a public highway, and the property and franchises of such corporations may be subjected to public use by the Legislature, which may also correct abuses by such companies, prevent unjust discriminations and protect the just rights of the public by laws with adequate penalties and forfeiture.

SEC. 9. No company operating a public highway shall consolidate with any other having a line parallel or competing with its own; or lease, purchase or control such line; and no officer of such company shall act as an officer of any other company owning or controlling a parallel or competing line, and no such company shall do business in this State which shares its earnings in any manner with a company owning or controlling a parallel or competing line within this State.

SEC. 10. No corporation shall issue stocks or bonds except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void. The capital stock of corporations may be increased by giving at least sixty days public notice pursuant to laws to be enacted.

SEC. 11. The issue of bills, notes, or other paper which may circulate as money is prohibited unless by vote of the people at a general election the same shall be authorized and approved by a majority of the voters at such election; and the redemption of such paper shall be fully secured by the deposit of coin or bullion, or such securities of the United States or of this State as may be prescribed by law.

SEC. 12. No foreign corporation shall carry on the business of common carriers, or upon public highways, as managers, operators or owners of any easement thereon, nor engage in mining, manufacturing or insurance in this State, except while it maintains here an office where, or on the person in

charge of which, process may be served in any action or legal proceeding instituted against it.

SEC. 13. The provisions of this Article shall apply to foreign as well as domestic companies, wherever applicable, and the words companies or corporations shall include joint stock and all other concerns having rights and powers other than those of partnerships or individuals.

Mr. Love, Chairman of the Committee on Miscellaneous Provisions, made the following report :

CONVENTION HALL,  
TALLAHASSEE, FLA., July 11, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Miscellaneous Provisions, to whom was referred—

Article XVI of the present Constitution, Article No. XLI, by Mr. Bennett, of Sumter, Article No. XLVII, by Mr. Blount, of Escambia, Article No. LXII, by Mr. Maxwell, of Escambia, Ordinance No. LXVII, by Mr. Mitchell, of Leon, Resolution No. LIV, by Mr. Miller, of Marion, Article No. LVIII, by Mr. Yonge, of Escambia, Article No. LIX, by Mr. Walker, Jr., of Leon, Article No. LX, by Mr. Milton, of Jackson, Article No. LXX, by the Convention, Article No. XXXII, by Mr. Speer, of Orange, Article No. LVI, by Mr. Wall, of Hillsborough, Section 20, by Mr. Randall, of Duval, in relation to release to riparian owners, Article in relation to duelling, Article in relation to tenure of office, Article defining felony, Section in relation to protection of timber and forests, Article in relation to drainage, Article in relation to franchise, Article in relation eminent domain, by Mr. Challen, of Duval, respectfully report that they have carefully examined the same, and have incorporated in an Article herewith reported such parts and portions of the matter above referred to as your committee deemed proper to become a part of the organic law of the State, and herewith return all of said Articles, Ordinances and Resolutions to be disposed of in such manner as the Convention shall direct.

Your committee respectfully recommend the adoption of the accompany Article, entitled Miscellaneous Provisions, as a substitute for the matter above referred to.

Very respectfully,

E. C. LOVE, Chairman Committee.

Which was received, and 200 copies of the accompanying Article ordered printed.



## ARTICLE XVI.

## MISCELLANEOUS PROVISIONS.

SECTION 1. The Seat of Government shall be and remain permanent in the City of Tallahassee, in the County of Leon, until otherwise located by a two-thirds vote of the Legislature and by a majority vote of the qualified electors of the State.

SEC. 2. Each and every officer of this State, including the members of the Legislature, shall, before entering upon the discharge of his official duties, take the following oath of office: I do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of ———, on which I am now about to enter, so help me God.

SEC. 3. The salary of each officer shall be payable quarterly upon his own requisition.

SEC. 4. All county officers shall hold their respective offices, and keep their official books and records, at the county seats of their counties.

SEC. 5. The Legislature may provide for the donation of the public lands to actual settlers, but such donation shall not exceed eighty acres to any one person.

SEC. 6. The Legislature shall provide for the speedy publication and distribution of all statutes and laws of a general nature. All decisions of the Supreme Court and all laws and judicial decisions shall be free for publication by any person. But no judgment of the Supreme Court shall take effect and be operative until the opinion of the Court in such case shall be filed with the clerk of said Court.

SEC. 7. The Legislature shall not create any office the term of which shall be longer than four years.

SEC. 8. A plurality of votes given at an election shall constitute a choice when not otherwise provided by this Constitution.

SEC. 9. In all criminal prosecutions in the name of the State, where the defendant is insolvent or discharged, the State shall pay the legal cost and expenses, including the fees of officers.

SEC. 10. The Governor, Supreme Court and all the administrative officers shall keep their offices at the Seat of Government. But in case of insurrection or violent epidemics the Governor may direct that the offices of the government shall

be removed temporarily to some other place. The sessions of the Legislature may be adjourned for the same cause to some other place, but in case of such removal all the departments of the government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

SEC. 11. In all cases where a general law can be made applicable no special law shall be enacted, nor shall the operation of any general law be suspended by the Legislature for the benefit of any particular individual, corporation or association.

SEC. 12. No extra compensation shall be made to any officer, agent, employe, or contractor after the service shall have been rendered or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the Legislature.

SEC. 13. The present seal of the State shall be and remain the Seal of the State of Florida, and shall be kept and used as provided in this Constitution; and the present State emblem shall be and remain the State Emblem of the State of Florida.

SEC. 14. The sureties upon the official bonds of all the State officers shall be residents of and have sufficient visible property, unincumbered, within the State not exempt from sale under legal process, to make good their bonds; and the sureties upon the official bonds of all county officers shall reside within the counties where such county officers reside, and have sufficient visible property therein, unincumbered, and not exempt from sale under legal process, to make good their bonds.

SEC. 15. The official bonds of the Sheriffs, Clerks of the Circuit Courts, Assessors of Taxes and Collectors of Revenue of the several counties of the State shall be approved by the State Comptroller before such officers shall enter upon the discharge of their respective duties.

SEC. 16. All State, county and municipal officers shall continue in office, after the expiration of their official terms, until their successors are duly qualified.

SEC. 17. No person holding or exercising the functions of any office under any foreign government, under the government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State; and no person shall hold or perform the functions of more than one office under the government of this State at the same time; *Provided*, Notaries Public, Militia officers, County

School officers and Commissioners of Deeds, may be elected or appointed to fill any Legislative, Executive or Judicial office.

SEC. 18. The property of all corporations, whether heretofore or hereafter incorporated, shall be subject to taxation, unless such property be held and used exclusively for religious, scientific, educational or charitable purposes.

SEC. 19. No person shall hold any office of trust or profit under the laws of this State without devoting his personal attention to the duties of the same.

SEC. 20. The Legislature shall provide for deductions from the salaries of public offices who may neglect the performance of any duty that may be assigned them by law.

SEC. 21. No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control, a parallel or competing line.

SEC. 22. The Legislature shall pass all necessary laws to correct abuses and prevent unjust discrimination and excessive charges by railroad, canal and steamboat companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures.

SEC. 23. No Convention or Legislature of this State shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such Convention or Legislature shall have been elected after such amendment is submitted.

SEC. 24. No minister of the gospel shall be eligible to the office of Governor, Senator or Member of the House of Representatives of this State.

SEC. 25. The Governor, or any State officer, is hereby prohibited from giving certificates of election, or other credentials, to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate, who has not been five years a citizen of the State and ten years a citizen of the United States, and a qualified voter.

SEC. 26. Certified copies of deeds and mortgages of real estate which shall have been, or shall hereafter be duly recorded according to law, shall be admitted in evidence in all the courts of this State, and have like force and effect as the original; *Provided*, It shall be made to appear that the original deed or mortgage is not in the knowledge, custody or control of the party offering the copy.

SEC. 27. The Legislature shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 28. No soldier shall in time peace be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

SEC. 29. Nothing contained in this Constitution shall be so construed as to impair the validity of any debts or contracts, or any rights of property or any suits, actions, rights of action or other proceedings, civil or criminal, in the courts of this State.

SEC. 30. All marriages between a white person and a negro, or between a white person and a person of negro descent, to the fourth generation inclusive, are hereby forever prohibited.

SEC. 31. The Legislature may prevent by law the giving or granting of free passes by railroad or other transportation companies to any officer of this State, legislative, executive or judicial.

SEC. 32. The term felony, wherever it may occur in this Constitution or the laws of the State, shall be construed to mean any criminal offence punishable with death or imprisonment in the State Penitentiary.

SEC. 33. The Legislature shall have the power to enact such fence laws, applicable to any county or larger subdivision of the State, as may be needed to meet the wants of the people; *Provided*, That any local law thus passed shall be submitted to the freeholders of the section to be affected thereby and approved by a majority of them before it shall go into effect.

SEC. 34. The salary of the Governor of the State shall be thirty-five hundred dollars per annum; that of the Comptroller, two thousand dollars; that of the State Treasurer, two thousand dollars; that of Secretary of State, fifteen hundred dollars; that of Attorney General, fifteen hundred dollars; that of Commissioner of Agriculture, twelve hundred dollars; that of Superintendent of Public Instruction, twelve hundred dollars per annum.

Additional Section to Article 4 was read the first time.

The Convention resumed the consideration of Article IX on Education.

Section 9 was read.

The Committee offered the following substitute:

The County School Fund shall consist, in addition to the tax provided for in section 8 of this Article, of the proportion of the interest of the State School Fund apportioned to the county; all fines collected under the penal laws of the State within the county; all capitation taxes collected within the county, and shall be disbursed by the County Board of Education, solely for the maintenance and support of public free schools.

The substitute to Section 9 was read a second time.

The question was upon the adoption of the substitute.

Mr. Gibbs offered to amend as follows :

Insert " and of the one mill State tax," after " fund," in line 2, section 9 ;

Which was agreed to, and the amendment was adopted.

Mr. Blackburn offered the following amendment :

In 4th line strike out " Board of Education " and insert " Commissioners ;"

Which was withdrawn.

Mr. Sheats moved to amend by striking out the word " education," in line four, and insert in lieu thereof the words " Public Instruction ;"

Which was accepted.

Mr. Oliveros offered the following amendment :

" But no officer of the County School Board shall be paid for his services out of moneys belonging to the county proper."

Mr. Landrum moved to lay the amendment on the table ;

Which was agreed to

The question was then upon the adoption of the substitute for section 9 ;

Which was agreed to, and the substitute for section 9 was passed as amended.

Mr. Bethel was excused on account of sickness.

Mr. Monsalvatge was indefinitely excused.

Messrs. Malone, Milton and Clarke of Jefferson were excused until Monday.

Pages Miller and Johnston were excused until Monday.

On motion, the Convention adjourned until 5 o'clock P. M. to-day.

## FIVE O'CLOCK P. M.

The Convention resumed its session.

Vice-President Yonge in the chair.

The roll being called the following delegates answered to their names :

Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carr, Carter, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Lutterloh, Marshall, Maxwell, Miller, Milton, Mitchell, Mor-



salvatge, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Thompson, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Yonge and Zipperer—96.

A quorum present.

Mr. Scott was excused until Monday.

The consideration of Article IX, on Education, was resumed.

Section 10 was read.

Mr. Carter on behalf of the Committee offered the following amendment:

Strike out in line 2, Section 10, the words "annually of one," and insert in same line and section after the word trustees, "Who shall hold office for two years."

Mr. Campbell offered the following amendment to the amendment:

Amend Section 10.

Strike out all after the word "district," in third line.

The question was on the adoption of the amendment to the amendment.

Mr. Blackburn moved to postpone the further consideration of section 10.

Mr. Bush moved to lay the motion on the table;

Which was agreed to.

The question was again on the adoption of the amendment to the amendment.

Pending discussion the Convention was adjourned until 9 o'clock A. M. Monday.

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## TWENTY-EIGHTH DAY.

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MONDAY, JULY 13, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade,

Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Marshall, Maxwell, Miller, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Paterson, Pelot, Petty, Randall of Duval, Randall of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingin, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—97.

A quorum present.

Prayer by the Chaplain.

Mr. Yonge moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Blackburn asked that indefinite leave of absence be granted Ass tant Secretary McAlpin and that Mr. Carter act as Assistant Secretary *ad interim* ;

Which was agreed to.

Mr. McClellan asked that Mr. Milton be excused until tomorrow ;

Which was granted.

Mr. Goodbread offered the following resolution :

*Whereas*, It is known to each member of this Convention that the services of Committee Clerks are no longer necessary ; therefore, be it

*Resolved*, That after this, 13th July, the services of said Clerks be dispensed with and said Clerks be discharged.

Mr. Rogers moved that the rules be waived and that the resolution be acted on immediately ;

Which was agreed to and the resolution adopted.

Mr. Fowler offered the following resolution :

*Whereas*, A great deal of valuable time of this Convention is taken up by unnecessary discussion of questions that arise in due course of business ; therefore, be it

*Resolved*, That no member shall speak on any subject longer than five minutes, nor more than twice on the same subject ;

Which was laid over under the rules.

Mr. Broome offered the following resolution :

*Resolved*, That the Treasurer of the State of Florida be ordered to pay Jesse Dennis fifty dollars on account of services as Janitor to this Convention ;

Which was referred to Committee on Expenditures.

Mr. Mitchell offered a new section to Article XVI on Public Printing ;

Which was referred to Committee on Miscellaneous Provisions.

Mr. Conover offered the following Article, and requested it to be published in the Journal and lie on the table for the present :

#### ARTICLE NO. —.

The Legislature shall provide a pension for indigent soldiers and sailors, not otherwise provided for by law ;

Which was so ordered.

Mr. Lesley, Chairman of Committee on Private Corporations, made the following minority report :

CONVENTION HALL, TALLAHASSEE, FLA., July 13, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Private Corporations to whom was referred —

Sundry Articles and Resolutions, beg leave to make a minority report so far as to dissent from Section 2, of Article XVIII, of your committee's majority report.

Respectfully submitted,

J. T. LESLEY,

Chairman of Committee.

Which was read.

Mr. Oliveros, Chairman of the Enrollment and Engrossment Committee, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 13, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article No. XVIII, in relation to Temperance, and Article No. 12, on Finance and Taxation, beg to report that they have compared and examined the same, and find them correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

SAM'L E. HOPE,

THEODORE RANDELL.

Which was read, and the accompanying papers placed among the orders of the day.

Article 17, on Constitutional Amendments, was read for the first time and placed among the orders of the day.

Article 1, on Boundaries, was read for the first time and placed among the orders of the day.

Article VI, on Homestead Exemption, was read the first time; also the second time, and placed among the orders of the day.

The consideration of Article IX, on Education, was resumed on its second reading.

The question was on the adoption of the amendment offered by Mr. Campbell, to strike out all after the word "district" in third line of Section 10.

Mr. Randall, of Duval, asked that his motion to reconsider the vote of censure against Mr. Baker be taken up;

Which was granted, and the question was: Shall the vote be reconsidered?

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Hamilton, Bush, Fowler, Greeley, Rowe, Tompkins, Walker, Jr., and Westcott—8.

Nays—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Campbell, Carter, Carson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Jones, Landrum, Lesley, Love, Lutterloh, Marshall, Maxwell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Wadsworth, Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Yonge and Zipperer.—70.

So the motion to reconsider was lost.

The consideration of Article IX was resumed.

Mr. Landrum offered the following substitute for section 10:

The Legislature shall provide by law for the subdivision of the several counties of this State into convenient school districts, and for the election annually in each school district for three School Trustees, who shall have supervision of all Public Free Schools in the district, and to perform such other duties as may be required by law; and the Legislature shall provide by law, that in each and every subdivision of the several counties for an equal pro rata distribution of all moneys appropriated or arising from the collection of taxes for com-



mon free school purposes; and the Legislature shall provide the manner and mode of expending all monies so pro rated, to each subdivision, and shall also provide for the enumeration of all children in each school subdivision of the age of six and twenty-one years.

The question was on the adoption of the amendment offered by Mr. Carter, to strike out in line 2, section 10, the words "annually of one;"

Which was agreed to.

The question was then on the amendment of Mr. Campbell to strike out all after the word "district" in third line.

Mr. Blount offered the following amendment:

Strike out in line 5 the word "freeholders" and insert in lieu thereof the word "tax-payers;"

Which was accepted by committee.

Mr. Bennett offered the following amendment:

Strike out the words "tax-payers thereof" and insert "liable to such tax;"

Which was not agreed to.

Mr. Blackburn offered the following amendment:

Strike out in 4th line "use of public free schools" and insert "purpose of building, repairing and furnishing suitable school buildings;"

Which was not agreed to.

The question was then on the amendment of Mr. Campbell to strike out all after the word "district" in 3d line.

Mr. Carter moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Hamilton, Bennett, Bethel, Blount, Broome, Carter, Carson, Challen, Chandler, Conover, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Fowler, Gibbs, Gillis, Goss, Greeley, Hargret, Hendley, Hocker, Hope, Humphries, Ives, Lesley, Lewis, Love, Lutterloh, Marshall, Maxwell, Miller, Mitchell, Odom, Parsons, Pelot, Petty, Randall of Duval, Randolph, Richard, Rogers, Sanchez, Scott, Sheats, Speer, Thompson, Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay and Zipperer—55.

Nays—Messrs. Bell of Brevard and Dade, Blackburn, Bush, Campbell, Clark of Jackson, Coker, Edge, Genovar, Goodbread, Green, Hatch, Hausman, Henderson, Herndon, Hicks, Jones, Landrum, Morgan, McCaskill, McClellan, McKinnon, Neel, Oliveros, Orman, Parker, Paterson, Randell of Madison, Rowe, Stone, Swearingen, Tompkins, Wadsworth, Walker, Jr., and Yonge—34.

So the motion to lay on the table was agreed to.



Mr. Oliveros offered the following amendment:

Strike out in 5th line the words "the qualified electors" and insert the word "those."

Mr. Carter moved to lay the amendment on the table;

Which was agreed to.

Mr. Scott offered the following amendment:

After "election," in line 2, insert "by the freeholders."

Mr. Walter moved to table the amendment;

Which was agreed to.

Mr. Hicks offered the following amendment:

*Provided*, That persons paying only a capitation tax shall not be considered tax-payers.

Mr. Walker, Jr., moved that Section 10 and all amendments thereto be indefinitely postponed.

Mr. Carter moved to lay Mr. Walker, Jr.'s, motion on the table;

Which was agreed to.

Mr. McClellan moved to strike out all of Section 10.

The question was upon the adoption of the amendment offered by Mr. Hicks.

Mr. Carter moved that the amendment be adopted, and called the previous question.

The question was: Shall the main question be now put?

Which was so ordered and the amendment offered by Mr. Hicks was adopted

Mr. Thompson offered the following amendment:

After "district," in line 7, insert the following: "*Provided further*, That no tax-payer shall be required to pay such special School District tax in more than one of such districts;

Which was laid on the table.

Mr. Conover offered the following amendment:

Insert in line 3, after the word "district," "and shall disburse the district and county school funds."

Mr. Carter moved to lay the amendment on the table;

Which was agreed to.

Mr. Randell, of Madison, offered the following amendment:

In line 1 strike out "Legislature" and insert "County Commissioners in each county;" also strike out in first line "provide for the sub-division of," and insert "shall sub-divide the counties;"

Which was laid on the table.

Mr. Oliveros offered the following amendment:

Public free schools in this Article shall be construed to mean common schools for the education of children in the elementary studies of spelling, reading, geography and writing, and the four rudiments in arithmetic;

Which was laid on the table.

Mr. Davis offered the following amendment:

Insert after "levy," in 6th line, "but no person in the district who has children that cannot take advantage of the schools shall be required to pay the tax;"

Which was laid on the table.

Mr. Yonge offered the following amendment:

After the word "election," in second line, section 10, insert the word "biennially;"

Which was adopted.

The question then was on the motion of Mr. McClellan to strike out section 10.

Mr. Humphries moved to lay the motion on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bennett, Bethel, Blount, Broome, Carter, Carr, Challen, Chandler, Cook, Duncan, Fogarty, Gibbs, Gillis, Goss, Greeley, Hatch, Hendley, Hocker, Hope, Humphries, Ives, Lesley, Lewis, Lutterloh, Mann, Marshall, Maxwell, Parsons, Pelot, Petty, Randall of Duval, Randolph, Rogers, Sanchez, Sheats, Speer, Thompson, Wall, Walter, Wellman, Wilson of Polk and Manatee, Yonge and Zipperer—44.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Bush, Campbell, Carson, Clark of Jackson, Coker, Conover, Davidson, Davis, Earle, Edge, Fowler, Genovar, Goodbread, Green, Hausman, Henderson, Herndon, Hicks, Jones, Landrum, Love, Miller, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Paterson, Randell of Madison, Richard, Rowe, Scott, Stone, Swearingen, Tompkins, Wadsworth, Walker, Jr., Weeks, Whitmire and Wilson of Clay—48.

So the motion to lay on the table was lost.

Mr. McClellan moved to adopt his motion, and called the previous question.

The house refused to order the main question.

The question was then upon the adoption of the substitute for Section 10, offered by Mr. Landrum.

Mr. Broome moved that the further consideration of Section 10 be dispensed with;

Which was agreed to.

Section 10 was recommitted, with amendments.

On motion of Mr. Sheats, Section 11 was recommitted.

Section 12 was read.

Mr. Randall, of Duval, offered the following amendment:

Impartial provision shall be made for the instruction of white and colored children in public schools."

Mr. Campbell offered the following amendment to the amendment:

But white and colored children shall not attend the same school.

Mr. Rogers moved to lay the amendment and the amendment to the amendment on the table;

Which was agreed to .

Section 12 was adopted.

Section 13 was then read and adopted.

Section 14 was then read.

Mr. Marshall offered the following amendment:

Strike out all after "State" in line 2.

Mr. Duncan offered the following amendment:

Add at the end of Section 14, "but shall not have power to force the parent or guardian to patronize the public schools; Which was not agreed to.

Mr. Pelot offered the following amendment:

Strike out in 3d line all after the word "guardians" and add "arbitrarily to prevent their children or wards from obtaining the advantages of the Public Schools; *Provided*, The provision of this Section is not intended to apply to such as prefer patronizing private schools;

Which was not agreed to.

The question was upon the adoption of the amendment of Mr. Marshall;

Which was adopted.

Mr. Orman offered the following amendment:

In line 1, of Section 14, strike out all after the word "secure" and insert "the education of children in the elementary branches of a common English education only, as nearly uniform as practicable;"

Which was not agreed to.

Mr. Conover offered the following amendment:

Strike out Section 14;

Which was adopted, and Section 14 was struck out.

Section 15 was read.

On Motion of Mr. Miller, the Convention took a recess until 5 o'clock P. M. to-day.

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#### FIVE O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malore, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—103.

A quorum present.

Mr. Wall, Chairman of the Committee on Education, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 13, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Education, to whom was recommended—

Sections 10 and 11, and substitute offered by Mr. Landrum, report back the substitute of Mr. Landrum, and recommend that it be laid upon the table.

They also report back a substitute for Section 10, and return Section 11 without change.

Very respectfully,

JOHN P. WALL,

Chairman of Committee.

#### SUBSTITUTE FOR SECTION 10, ARTICLE IX.

The Legislature may provide, upon the application of the County Commissioners of any county for the subdivision of such county into convenient School Districts, for the election biennially of three School Trustees, who shall hold their office for two years and who shall have supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof, who pay a tax on real or personal property, shall cast

their ballots in favor of such levy; *Provided*, That any tax authorized by this Section shall not exceed three (3) mills on the dollar in any one year on the taxable property of the district;

Which was read.

Mr. Oliveros moved that the further consideration of the substitute be deferred till to-morrow morning and that the report be printed in the Journal;

Which was not agreed to.

The substitute offered by the Committee was read.

Mr. Mann moved that the substitute for Section 10 be adopted in lieu of the original;

Which was agreed to.

Mr. Sheats then offered the following substitute for Section 10:

#### SUBSTITUTE FOR SECTION 10, ARTICLE IX.

The Legislature shall provide for the sub-division of counties into convenient School Districts; for the election of three School Trustees, who shall be elected bi-ennially, and have supervision of all the schools within the district; and for the levying and collection of a district school tax for the exclusive use of public free schools within the district, whenever a majority of the qualified electors, who are free-holders, shall cast their ballots in favor of such levy; *Provided*, That any tax authorized by this section shall not exceed two (2) mills on the dollar in any one year on the taxable property of the district;

Which was not agreed to.

The question under consideration was the adoption of Section 10.

Mr. McClellan moved to strike out the Section.

Mr. Speer moved to lay the motion on the table;

Which was agreed to.

The question was upon the adoption of section 10.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton. Bennett, Bethel, Blount, Broome, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hargret, Hatch, Hendley, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lesley, Lewis, Lutterloh, Mann, Marshall, Maxwell, Miller, Mitchell, McKinnon, Oliveros, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Ran-



dolph, Richard, Rogers, Rowe, Sanchez, Sheats, Speer, Thompson, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—74.

Nays—Messrs. Blackburn, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Edge Goodbread, Green, Hausman, Henderson, Landrum, Love, Malone, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Paterson, Scott, Stone, Taylor, Tedder, Tompkins and Weeks—28.

So the section was adopted.

Section 11 was read and adopted.

Section 15 was read.

Mr. Hendley offered the following substitute:

The Legislature shall have power to make provision for a higher grade of schools.

Mr. Marshall offered the following amendment:

Insert at the end thereof, the following words: "*Provided*, That no levy of taxes for such purposes, shall, for any one year, exceed one-quarter of one mill on the dollar of all the taxable property of the State."

Mr. McKinnon moved to postpone Sections 15 and 16 till Saturday;

Which was not agreed to.

Mr. Clark, of Jefferson, moved that the House lay aside the further consideration of these sections.

The yeas and nays were called for.

Mr. Hendley withdrew the substitute.

Mr. Speer moved that Section 15 be stricken out.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hope, Humphries, Hunter, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rowe, Scott, Speer, Stone, Swearingen, Tedder, Turnbull, Wadsworth, Wall, Wellman, Whitmire, Wilson of Clay, and Wyly—68.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bush, Carr, Challen, Conover, Davidson, Earle, Fowler, Gibbs, Goss, Greeley, Hocker, Ives, Johnston, Mann, Miller, Mitchell, Oliveros, Petty, Randall of Duval, Rogers, Sanchez, Sheats,

Taylor, Thompson, Tompkins, Walker, Jr., Weeks, Wilson of Polk and Manatee, Yonge and Zipperer—32.

So the motion to strike out was carried.

Mr. Hendley moved that Section 16 be stricken out.

Mr. Sheats offered the following amendment:

After "Agricultural College," in the first line insert "and;" and strike all after "Seminaries," in the first line, to "shall" in the second line.

Mr. Hendley moved to lay the amendment on the table;

Which was agreed to.

The question was to strike out Section 16.

Mr. Gibbs offered the following amendment:

Strike out from "Seminaries" to "shall," and insert "and a normal school for the higher education of persons of color to be provided for by law."

The question was on the adoption of the amendment.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Hamilton, Bennett, Blount, Broome, Bush, Campbell, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Conover, Cook, Davidson, Duncan, Earle, Edge, Fogarty, Fowler, Gibbs, Goss, Greeley, Hargret, Hicks, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lewis, Mann, Maxwell, Miller, Milton, Mitchell, McKinnon, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Rogers, Sanchez, Sheats, Taylor, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Yonge and Zipperer—57.

Nays—Messrs. Bell of Brevard and Dade, Bethel, Blackburn, Carter, Clark of Jackson, Coker, Davis, Genovar, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Lesley, Love, Lutterloh, Malone, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Randolph, Richard, Scott, Speer, Stone, Swearingen, Tedder, Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee and Wylly—42.

So the amendment was agreed to.

Mr. Hausman moved to adjourn until 9 o'clock, A. M., tomorrow;

Which was not agreed to.

Mr. Speer moved to strike out section 16.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Brevard and Dade, Bethel, Blackburn, Campbell, Carter, Chandler, Clark of Jefferson, Clark of Jackson, Coker, Davis, Edge, Genovar, Gillis, Goodbread, Green, Hatch,

Hendley, Henderson, Herndon, Landrum, Lesley, Love, Lutterloh, Malone, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Orman, Parker, Pelot, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Swearingen, Tedder, Wadsworth, Wall, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee and Wyly—48.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Blount, Broome, Bush, Carr, Carson, Challen, Conover, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Gibbs, Goss, Greeley, Hargret, Hausman, Hicks, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lewis, Mann, Maxwell, Miller, Mitchell, McKinnon, Parkhill, Parsons, Paterson, Petty, Randall of Duval, Rogers, Sanchez, Sheats, Taylor, Thompson, Tompkins, Turnbull, Walker, Jr., Walter, Yonge and Zipperer—52.

So the motion was not agreed to.

Mr. Rogers moved that Section 16 be adopted as amended.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Carr, Carson, Challen, Conover, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Gibbs, Goss, Greeley, Hausman, Hicks, Hope, Humphries, Hunter, Ives, Lewis, Mann, Maxwell, Miller, Mitchell, McKinnon, Petty, Randall of Duval, Rogers, Sanchez, Sheats, Thompson, Tompkins, Walker, Jr., Walter and Yonge—43.

Nays—Messrs. Bethel, Campbell, Carter, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Edge, Genovar, Gillis, Goodbread, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Wall, Weeks, Wellman, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—55.

So Section 16 was not adopted.

On motion of Mr. Baker, the house adjourned until 9 o'clock A. M. to-morrow.

## TWENTY-NINTH DAY.

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TUESDAY, JULY 14, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—104.

A quorum present.

Prayer by the Chaplain.

Mr. Fowler moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

The following resolution, offered by Mr. Fowler on yesterday, was read :

*Whereas*, A great deal of valuable time of this Convention is taken up by unnecessary discussion of questions that arise in due course of business ; therefore, be it

*Resolved*, That no member shall speak on any subject longer than five minutes, nor more than twice on the same subject.

Mr. Turnbull moved to strike out " five " and insert " ten minutes. "

Mr. Chandler moved to lay the motion on the table ;

Which was not agreed to



Mr. Baker offered the following substitute :

No member shall speak more than ten minutes on any one question unless by unanimous consent.

The question was on Mr. Turnbull's amendment to strike out "five" and insert "ten," and insert "without the consent of the house ;"

Which was agreed to.

The question was on Mr. Baker's substitute.

Mr. Walker moved to strike out the preamble of the original resolution ;

Which was agreed to.

The question was on the adoption of Mr. Baker's substitute for the original ;

Which was agreed to.

Mr. Wylly moved that the substitute be adopted ;

Which was agreed to, and the resolution was adopted.

Mr. Thompson introduced the following resolutions :

*Resolved*, That the Committee on Education are hereby requested to report within two days the disposition made of the Ordinance in relation to the establishment of a University for persons of color ;

*Resolved 2d*, That it is the sense of this Convention that the establishment of a State Normal School for the higher training and graduation of persons of color, engaged or to be engaged in public instruction in this State, will be sufficient in lieu of the University ;

Which was laid over under the rules.

Mr. McCaskill, Chairman of Committee on Taxation and Finance, gave notice that he would call up Article XII for its final reading, to-morrow at 11 o'clock.

Mr. Yonge, Chairman Committee on City and County Organization, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 14, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on County, Township and City Organization, to which was referred—

Resolution No. 63, introduced by Mr. Parkhill, of Jefferson, relating to the appointment of County Commissioners, beg leave to report that they have had the same under consideration, and recommend in accordance therewith the accompany-



ing additional Section to the Article No. VIII, heretofore reported by this committee.

Very respectfully,

J. E. YONGE, Chairman,  
W. H. HAUSMAN,  
J. FOGARTY,  
WM. N. SHEATS,  
E. J. LUTTERLOH,  
F. B. GENOVAR,

Committee.

Additional section to be inserted after Section (4) four :

There shall be appointed by the Governor, by and with the consent of the Senate, in and for each county, five County Commissioners. Their term of office shall be four years, and their powers, duties and compensation shall be prescribed by law;

Which was read, and the accompanying papers placed among the orders of the day.

Mr. Hicks offered the following minority report :

MINORITY REPORT.]

CONVENTION HALL,  
TALLAHASSEE, FLA., July 14, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: The undersigned, members of the Committee on Counties and Cities, would respectfully state that the said Committee, after a thorough investigation of the subject, reported to this Convention *unanimously* that they recommended the election of five County Commissioners in each county, by the people thereof, which report is now printed in the Journal of your proceedings, and is also upon the desk of each member of this body. A majority of said Committee now see proper to change their views—"and such a change"—in regard to electing the County Commissioners by the people of the several counties, and by their supplemental report, this day presented to the Convention, recommend that said County Commissioners be appointed by the Governor. In this change of opinion by the majority of said Committee *we do not concur*. We therefore adhere, in every particular, to the *principle* expressed in the original report of the full Committee, and hope the same may be adopted by the Convention.

Very respectfully,

HENRY C. HICKS,  
PHILIP WALTER,

Of Committee on Counties and Cities.

Which was read and placed among the orders of the day.

Mr. Speer, Chairman of the Committee on Temperance, gave notice that he would call up the Temperance Article on Thursday, at 11 o'clock, for its final passage.

Mr. Broome, Chairman of the Committee on Expenditures, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 14, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Expenditure to whom was referred—

Resolution of the 13th, in relation to the pay of Jesse Dennis for his services as Janitor, report the same back to the Convention and recommend that it be adopted, and that said sum of fifty dollars be paid out of the appropriation made for the expenses of this Convention.

Very respectfully,

JOHN D. BROOME,

Chairman Committee.

Which was read.

Mr. Conover moved the adoption of the resolution;

Which was agreed to, and the following resolution was adopted :

*Resolved*, That the Treasurer of the State of Florida be ordered to pay Jesse Dennis fifty dollars on account of services as Janitor to this Convention.

The consideration of Article XVI, on Miscellaneous Provisions, came up on its first reading;

Which was read the first time and placed among the orders of the day.

Article No. —, on Private Corporations, was read the first time and placed among the orders of the day.

The consideration of Article IX, on its second reading, was resumed.

Mr. Taylor moved to reconsider the vote by which section 16 was not adopted.

Mr. Carter offered the following additional Section to Article IX :

SECTION —. The Legislature may provide for the establishment, upon the recommendation of the State Board of Education, two Normal Schools, one white and one colored, to be kept separate, for the education of teachers for the Common Schools of this State; *Provided*, That the tax to sustain the

same shall not exceed one-eighth of one mill on the dollar of the taxable property of the State.

Mr. Walker, Jr., moved to lay the section on the table ;

Which was not agreed to.

Mr. Paterson offered the following substitute :

The Legislature shall make such provisions as it may deem necessary for the State University, the Seminaries and the Agricultural College, and also for such Normal Schools, and schools of grade as may be required, but no direct tax for any or all of the same shall exceed one-half mill on the taxable property of the State for any one year.

Mr. Walker moved that the new section and the substitute be indefinitely postponed ;

Which was agreed to.

Mr. Taylor's motion to reconsider the vote by which Section 16 was lost, was taken up.

Mr. Chandler moved to lay the motion on the table ;

Which was agreed to.

Mr. Bennett offered the following new section :

SECTION —. The Legislature shall provide for the establishment of two Normal Schools, one of which shall be for the education of white persons and the other for the education of colored persons of the State, to fit them for teachers. The Normal Schools, the Agricultural College and the Seminaries of the State shall be under the management and control of a Board of Trustees. Said Trustees shall be appointed by the Governor, with the advice and consent of the Senate, for the term of four years, not more than two of whom shall reside in the same Senatorial District, and so arranged that the term of office of one-half the members of each Board shall expire biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor and Superintendent of Public Instruction shall be *ex-officio* members of each of said Boards of Trustees.

Mr. Conover offered the following substitute :

The Legislature shall provide two State Normal Schools for the education of teachers for the common schools of this State, and they shall be kept separate, one for white and one for colored pupils.

Mr. Walker, Jr., offered the following amendment:

Strike out "two" and insert "one," and strike out "kept separately for white children."

Mr. Maxwell moved to lay the new section, the substitute and the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Blackburn, Blount, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Edge, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hope, Humphries, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Patterson, Randell of Madison, Randolph, Richard, Rowe, Scott, Stone, Swearingen, Tedder, Wadsworth, Walker, Jr., Wall, Weeks, Wellman Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Yonge and Zipperer—58.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Broome, Bush, Carr, Challen, Chandler, Conover, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hargret, Hocker, Hunter, Ives, Johnston, Lewis, Mann, Miller, Mitchell, Oliveros, Parsons, Pelot, Petty, Randall of Duval, Rogers, Sanchez, Sheats, Speer, Taylor, Thompson, Tompkins, Turnbull, Walter Westcott and Wylly—46.

So the motion to table was agreed to.

Mr. Baker offered the following new section :

The Governor shall appoint, with the consent of the Senate, a Board of Trustees of the Agricultural College and the East and West Florida Seminaries.

Mr. Carter moved to lay the section on the table ;

Which was agreed to.

Mr. Randolph offered the following additional section :

The County Superintendent of Public Instruction shall be *ex officio* Treasurer of the School Fund and shall receive from the Collector all monies collected for school purposes. He shall give a bond to be fixed and approved by the County Commissioners and Judge of the County Court, and shall, on the order of the Board of Public Instruction, disburse all sums collected for educational purposes.

Mr. McClellan moved to lay the section on the table ;

Which was agreed to.

Mr. Sanchez offered the following :

SECTION —. The Legislature may provide by law for compelling parents, guardians and others having control of children within the school age to send them to school, and to provide the proper punishment and penalties for failure to comply therewith.

Mr. Chandler moved that all new sections and amendments offered to this Article be referred to the Committee without debate ;



Which was agreed to, and the following amendments and new sections were offered and so referred.

Mr. Marshall offered the following additional section to Article 9 :

The Legislature shall have power to make provisions for a higher grade of schools ; but no levy of taxes for such purposes shall, for any one year, exceed one-quarter of one mill on the dollar of all the taxable property of the State.

Mr. Bush offered the following new section :

SEC. 15. The Legislature shall make provision for the conversion of the State Agricultural College into a State University, with Agricultural, Literary, Industrial and Military Departments, and with exclusive power to confer the higher degrees ; shall provide for connecting and for increasing the efficiency of the East Florida Seminary, located at Gainesville, and the West Florida Seminary, located at Tallahassee, as branches of the State University, without changing their locations ; and shall provide for a College, Normal School or branch of the State University for the benefit of the colored youths of the State, and shall provide for the liberal maintenance of the same. Instruction in them shall be free.

Mr. Sanchez offered the following section :

SEC. —. That there shall be established a State Normal School for the preparation and education of persons of color. The Legislature shall provide for the maintenance of the same.

Mr. Wyly offered the following section :

SECTION —. The Legislature shall provide for the establishing of two Normal Schools at convenient localities, the chief object of which shall be for the education and preparation of the youth attending them, with a view to their becoming teachers in the public schools of the State.

Mr. Sheats offered the following section :

SECTION —. The Agricultural College, located at Lake City, the State University, the East Florida Seminary, located at Gainesville, and the West Florida Seminary, located at Tallahassee, shall each be under the management and control of a separate Board of Trustees. Said trustees shall be appointed by the governor, with the advice and consent of the Senate, for the term of four years, not more than two of whom shall reside in the same senatorial district, and so arranged that the term of office of one-half the members of each Board shall expire biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor and Superintendent of Public Instruction shall be *ex-officio* members of each of said Boards of Trustees.



Mr. Walker offered the following :

The State University and the East and West Florida Seminaries shall each be under the management and control of a Board of Trustees. Said Trustees shall be appointed by the Governor. The Trustees shall receive no salary or other pay or compensation. The Governor and Superintendent of Public Instruction shall be *ex-officio* members of each of said Boards of Trustees.

Mr. Mann offered the following section :

SECTION —. The Legislature may consider, and when they choose, take such further action as our School System may seem to them to require, even to the establishment of schools of high grade.

Mr. Hendley offered the following section :

The Legislature shall have power to make provision for a higher grade of schools.

Mr. Miller offered the following :

SECTION 14. The Legislature shall make provision for the proper adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the citizens of the town of Ocala for the establishment of the East Florida Seminary in 1852, and conditional upon its location at the said town.

Mr. Landrum offered the following additional section to Article IX.

Additional section to Article IX :

The Legislature shall provide by law, that in each and every subdivision or school district of the several counties for an equal pro rata distribution of all monies appropriated or arising from the collection of taxes by the State for common free school purposes ; and the Legislature shall provide the manner and mode of expending all monies so pro-rated to each subdivision ; and shall also provide for the enumeration of all children in each school subdivision of the age of six and twenty-one years.

Mr. Wilson, of Polk, offered the Constitution of the State of Florida, adopted February 25th, 1868, as amended, as an amendment to Article IX.

Which was agreed to.

Mr. Walker, Jr., moved that the different amendments be referred to the Committee without being read ;

Which was agreed to.

Mr. Wall, Chairman of the Committee on Education, moved that Article IX, as amended, be engrossed for a third reading ;

Which was agreed to.

## ARTICLE IX.

## EDUCATION.

SECTION 1. The Legislature shall provide for a uniform system of Public Free Schools, and shall provide for the liberal maintenance of the same.

SEC. 2. There shall be a Superintendent of Public Instruction, whose duties shall be prescribed by law, and whose term of office shall be four years and until the election and qualification of his successor.

SEC. 3. The Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Public Instruction shall constitute a body corporate, to be known as the State Board of Education of Florida, of which the Governor shall be President, and the State Superintendent Secretary. This Board shall have power to remove for cause and upon notice to the incumbent, any subordinate school officer; and shall have, regulated by law, the management and investment of all State school funds, and such supervision of schools of higher grades as the law shall provide.

SEC. 4. The State School Fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources:

The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes.

Donations to the State when the purpose is not specified.

Appropriations by the State.

The proceeds of escheated property or forfeitures.

Twenty-five per centum of the sales of public lands which are now or may hereafter be owned by the State.

SEC. 5. The principal of the State School Fund shall remain sacred and inviolable.

SEC. 6. A special tax of one (1) mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of public free schools.

SEC. 7. Provision shall be made by law for the distribution of the interest on the State School Fund and the special tax among the several counties of the State in proportion to the number of children residing therein between the ages of six and twenty-one years.

SEC. 8. Each county shall be required to assess and collect annually for the support of public free schools therein a tax of not less than three (3) mills nor more than five (5) mills on the dollar of all taxable property in the same.

SEC. 9. The County School Fund shall consist, in addition to the tax provided for in section 8 of this Article, of the proportion of the interest of the State School Fund and of the one mill State tax apportioned to the county; all fines collected under the penal laws of the State within the county; all capitation taxes collected within the county, and shall be disbursed by the County Board of Public Instruction solely for the maintenance and support of public free schools.

SEC. 10. The Legislature may provide, upon the application of the County Commissioners of any county, for the subdivision of such county into convenient School Districts, for the election biennially of three School Trustees, who shall hold their office for two years and who shall have supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof, who pay a tax on real or personal property, shall cast their ballots in favor of such levy; *Provided*, That any tax authorized by this section shall not exceed three (3) mills on the dollar in any one year on the taxable property of the district.

SEC. 11. Any incorporated town or city may constitute a School District. The fund raised by section 10 may be expended in the district where levied in building or repairing school houses, in the purchase of school libraries and text-books, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable.

SEC. 12. White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

SEC. 13. No law shall be enacted authorizing the diversion or the lending of any county or district school funds, or the appropriation of any part of the permanent or available school fund to any other than school purposes; nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school.

Article XI, on Judicial Department, was taken up on its second reading.

Mr. McClellan offered the following motion :

That the Convention, in considering the Article upon the Judiciary, shall take up the majority and minority reports of the Judiciary Committee, and consider them by taking up the last sections first, from the last to the first section.

Mr. Sanchez moved that Mr. McClellan's motion be laid upon the table ;

Which was agreed to.

Mr. Hocker offered the following motion :

It is moved that the minority report of the Judiciary Committee be substituted in lieu of the majority report.

Mr. Carter offered the following substitute :

*Resolved*, That the discussion of the Judiciary Department be taken up in the following order :

1. Shall the Judges of the Supreme Court be elected or appointed ?

2. If elected, how ?

3. If appointed, how ?

4. Shall the Judges of the Circuit Court be elected or appointed ?

5. If elected, how ?

6. If appointed, how ?

Mr. Hocker withdrew his motion.

The question was on the adoption of Mr. Sanchez' motion ;

Which was agreed to.

The first question was :

Shall the Supreme Court Judges be elected or appointed ?

Mr. Baker moved that the resolution regarding time of speaking be not enforced for the Judiciary question.

Mr. Walker moved that the motion be laid on the table ;

Which was agreed to.

The question was : Shall the Justices of the Supreme Court be elected ?

Pending the discussion of which the Convention, on motion of Mr. Carter, took a recess until 4 o'clock P. M. to-day.

#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Mar-



shall, Maxwell, Miller, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Whitmire, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—104.

A quorum present.

The Convention resumed the consideration of Article XI, on the Judicial Department.

The question was, Shall the Justices of the Supreme Court be elected or appointed?

Pending the discussion of the same the Convention, on motion of Mr. Miller, adjourned until 9 o'clock A. M. to-morrow.

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## THIRTIETH DAY.

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WEDNESDAY, JULY 15, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay,



Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—101.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was read and approved.

Mr. Hendley was excused on account of sickness.

Mr. Neel, of Holmes, offered the following memorial, which was spread on the Journal and referred to the Committee on County and Township Organization:

*To the Members of the Constitutional Convention, Assembled at Tallahassee, Florida:*

We, the undersigned petitioners, would respectfully represent that a petition has been circulated in Holmes county, asking that all that portion of said county west of the Choctawhatchee river, be annexed to Walton county, and as a number of persons who signed said petition misunderstood the object of the same, we hereby protest against the proposed change.

Signed by 267 citizens of Holmes county.

Mr. Whitmire was excused indefinitely on account of sickness.

Mr. Rogers offered the following resolution:

*Resolved*, That after the final reading of the Constitution the members of this Convention will proceed to sign the same, in response to a call of counties or Senatorial Districts, *giving name, county, post-office, date of birth, nativity, and how many years a citizen of Florida*. Absent members shall have the privilege of signing their names on blank pages of paper and have them attached to the Constitution;

Which was laid over under the rules.

Mr. Sheats asked permission to withdraw his name from the majority report of the Committee on County, Township and City Organization, as made on yesterday;

Which was granted.

Mr. Conover offered an Ordinance fixing the per diem of the members, officers and attaches of the Convention;

Which was read and referred to the Committee on Expenditures.

Mr. Marshall offered an Ordinance fixing the per diem of the members, officers and attaches of the Convention;

Which was read and referred to the Committee on Expenditures.

Mr. Mann offered the following resolution:

*Resolved*, That in consequence of the discharge of the Committee Clerks, the Committee on Legislative Expenses shall report for the consideration of this body the pay of such clerks, in order that they may be paid and go home ;

Which was referred to the Committee on Expenditures.

The following resolutions offered by Mr. Thompson on yesterday, were read :

*Resolved*, That the Committee on Education are hereby requested to report within two days the disposition made of the Ordinance in relation to the establishment of a University for persons of color.

*Resolved 2d*, That it is the sense of this Convention that the establishment of a State Normal School for the higher training and graduation of persons of color, engaged or to be engaged in public instruction in this State, will be sufficient in lieu of the University.

Mr. Mitchell moved to strike out second part of the resolution ;

Which was agreed to.

Mr. Chandler moved to lay the first section of the resolution upon the table ;

Which was agreed to.

The consideration of Article XI, on Judicial Department, was resumed.

The question was: Shall the Justices of the Supreme Court be elected or appointed ?

Mr. McCaskill moved that the first business taken up after the pending question is disposed of shall be the third reading of Article XII ;

Which was so ordered.

The question then was: Shall the Justices of the Supreme Court be elected or appointed ?

Pending the discussion of the same the Convention, on motion of Mr. Earle, took a recess until 4 o'clock P. M. to-day.

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#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount,

Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malore, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson, of Clay. Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—104.

A quorum present.

The Convention resumed the consideration of Article XI, on the Judiciary Department.

The question was, Shall the Justices of the Supreme Court be elected?

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Earle, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Hatch, Henderson, Herndon, Hicks, Hope, Lesley, Lewis, Lutterloh, Mann, Marshall, Miller, Mitchell, McKinnon, Neel, Orman, Parker, Pelot, Petty, Rogers, Sanchez, Sheats, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Wall, Westcott, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—54.

Nays—Messrs. Bennett, Bethel, Blackburn, Blount, Clarke, of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Fogarty, Genovar, Gillis, Green, Hausman, Hocker, Humphries, Ives, Johnston, Jones, Landrum, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Scott, Speer, Wadsworth, Weeks, Wellman, Wylly and Yonge—45.

So it was agreed that the Justices of the Supreme Court should be elected.

The question was, How shall they be elected?

Mr. Malone moved that they be elected by the Legislature.

Mr. Walker moved to lay the motion of Mr. Malone on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Conover, Duncan, Earle, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Henderson, Hicks, Hocker, Hope, Humphries, Landrum, Lesley, Lewis, Lutterloh, Mann, Marshall, Miller, Mitchell, McKinnon, Neel, Orman, Parker, Pelot, Petty, Rogers, Sanchez, Sheats, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Walker, Jr., Wall, Westcott, Wilson of Polk and Manatee and Zipperer—56.

Nays—Messrs. Bethel, Blackburn, Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Fogarty, Genovar, Gillis, Hausman, Herndon, Ives, Johnston, Jones, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Scott, Speer, Swearingen, Turnbull, Wadsworth, Walter, Weeks, Wellman, Wilson of Clay, Wyly and Yonge—44.

So the motion to lay on the table was agreed to.

Mr. Mann moved to elect the Justices of the Supreme Court by the vote of the qualified electors of the State at large.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Conover, Earle, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Henderson, Herndon, Hicks, Hope, Humphries, Hunter, Lesley, Lewis, Lutterloh, Mann, Marshall, Miller, Mitchell, McKinnon, Neel, Orman, Parker, Pelot, Petty, Rogers, Sanchez, Sheats, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Wall, Westcott, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—58.

Nays—Messrs. Bennett, Bethel, Blackburn, Blount, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Fogarty, Genovar, Gillis, Hausman, Hocker, Ives, Johnston, Jones, Landrum, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Scott, Speer, Taylor, Wadsworth, Walter, Weeks, Wellman, Wyly and Yonge—43.



So the motion was agreed to.

The next question was, Shall the Circuit Judges be elected?

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Broome, Bush, Carter, Carr, Carson, Chandler, Conover, Earle, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Hatch, Henderson, Herndon, Hicks, Hope, Humphries, Hunter, Ives, Landrum, Lewis, Lutterloh, Mann, Miller, Mitchell, Morgan, McKinnon, Neel, Orman, Parker, Pelot, Petty, Rogers, Rowe, Sanchez, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Walker, Jr., Wall, Westcott, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—55.

Nays—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blount, Campbell, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Green, Hausman, Hocker, Johnston, Jones, Lesley, Love, Malone, Maxwell, Milton, McCaskill, McClellan, Odom, Oliveros, Parkhill, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Scott, Speer, Turnbull, Wadsworth, Walter, Weeks, Wellman, Wyly and Yonge—47.

So it was agreed that the Judges of Circuit Courts should be elected.

The question was: How shall they be elected?

Mr. Bethel moved that the Circuit Judges be elected by the State at large.

Mr. Malone offered as a substitute that the Circuit Judges be elected by the Legislature.

Mr. Tolbert moved to lay the substitute on the table.

The yeas and nays were called for

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Conover, Duncan, Earle, Fogarty, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Hatch, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Landrum, Lewis, Lutterloh, Mann, Miller, Mitchell, McKinnon, Neel, Orman, Parker, Parkhill, Pelot, Petty, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Wall, Walter, Westcott, Wilson of Polk and Manatee, Wyly and Zipperer—61.

Nays—Messrs. Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Edge, Genovar, Gillis, Green, Hausman, Humphries, Ives, Johnston, Jones,



Lesley, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Paterson, Randall of Duval, Randell of Madison, Randolph, Richard, Scott, Swearingen, Wadsworth, Weeks, Wellman, Wilson of Clay and Yonge—39.

So the motion to lay on the table was agreed to.

Mr. Mann moved as a substitute, that "they be elected by judicial circuits."

Mr. Bethel moved to lay the substitute on the table.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bethel, Blackburn, Broome, Carter, Carson, Davidson, Earle, Fogarty, Hatch, Hausman, Henderson, Herndon, Hicks, Hope, Hunter, Ives, Lesley, Lutterloh, Morgan, Odom, Orman, Parker, Paterson, Pelot, Randell of Madison, Richard, Rogers, Sanchez, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Wadsworth, Walker, Jr., Wall, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—46.

Nays—Messrs. Baker, Blount, Bush, Campbell, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davis, Duncan, Edge, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hocker, Humphries, Johnston, Jones, Landrum, Lewis, Love, Malone, Mann, Maxwell, Miller, Milton, Mitchell, McCaskill, McClellan, McKinnon, Neel, Oliveros, Parkhill, Petty, Randall of Duval, Randolph, Rowe, Scott, Thompson, Tolbert, Tompkins, Turnbull, Walter, Wellman, Westcott and Yonge—56.

So the motion to lay the substitute on the table was not agreed to.

The question was then upon the adoption of the substitute offered by Mr. Mann in place of the original.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bethel, Blount, Bush, Campbell, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Humphries, Hunter, Johnston, Landrum, Lewis, Malone, Mann, Maxwell, Miller, Milton, McCaskill, McClellan, McKinnon, Neel, Oliveros, Parker, Petty, Randall of Duval, Randolph, Rowe, Scott, Speer, Thompson, Tolbert, Tompkins, Walter, Wellman, Westcott, Wyly and Yonge—56.

Nays—Mr. President, Messrs. Bennett, Blackburn, Broome, Carter, Carson, Conover, Davidson, Earle, Hatch, Hausman, Henderson, Herndon, Hicks, Hope, Ives, Jones, Lesley, Love,

Lutterloh, Mitchell, Morgan, Odom, Orman, Parkhill, Paterson, Pelot, Randell of Madison, Richard, Rogers, Sanchez, Sheats, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walker, Jr., Wall, Weeks, Wilson of Clay, Wilson of Polk and Manatee and Zipperer—44.

So the substitute was adopted.

Mr. McClellan gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Upon motion of Mr. Bethel the Convention adjourned until 9 A. M. to-morrow.

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## THIRTY-FIRST DAY.

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THURSDAY, JULY 16, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—104.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with;

Which was agreed to

The Journal was corrected and approved.

Messenger Geo. Dice was excused on account of sickness.

Page J. W. Johnston was also excused on account of sickness.

Mr. Hendley, of Hernando, rose to a question of privilege, and stated, That in the *Times-Union*, of the 14th inst., I find the following words in reference to a speech made by myself: "Although several ladies were present he quite forgot himself, and used some irreverent and profane expressions."

Mr. President, this is false. In the heat of debate I did say "My God Almighty." I used the expression as a public speaker uses it. There was no profanity in the expression, and I meant none. If there is a delegate in this Convention that thinks I used profane or any language unbecoming in a gentleman, let him rise up. I pause to see if there is one. I see not one. Then this Convention has also pronounced it a falsehood, and I am satisfied.

The following resolution, offered by Mr. Rogers on yesterday, came up for consideration, and was read:

*Resolved*, That after the final reading of the Constitution the members of this Convention will proceed to sign the same, in response to a call of counties or Senatorial Districts, *giving name, county, post-office, date of birth, nativity, and how many years a citizen of Florida*. Absent members shall have the privilege of signing their names on blank pages of paper and have them attached to the Constitution.

Mr. Challen moved to amend the resolution by striking out all the words after the word "post-office."

Mr. Rogers withdrew the resolution.

The roll of Committees being called the following reports were submitted:

Mr. Swearingen, Chairman of the Committee on Militia, made the following report:

CONVENTION HALL,  
TALLAHASSEE, FLA., July 16, 1885. }

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Militia, to whom was referred—

Resolution No. 136, by Mr. Fowler of Putnam, in relation to Military Companies Giving Bond Before Drawing Arms, beg leave to report that they have had the same under consideration, and report the same back to the Convention with the recommendation that it be laid upon the table.

Also report Article —, on the subject of Militia, and request its adoption by the Convention.

Very respectfully,

T. F. SWEARINGEN,  
Chairman Committee.

Which was received and 200 copies of the accompanying Article was ordered printed and placed among the orders of the day.

## ARTICLE NO. —.

### MILITIA.

SECTION 1. All able-bodied male inhabitants of the State between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become citizens thereof, shall constitute the militia of the State; but no male citizen of whatever religious creed or opinion shall be exempt from military duty, except upon such conditions as may be prescribed by law.

SEC. 2. The Legislature may provide by law for organizing and disciplining the militia of the State, for the encouragement of volunteer corps, the safe-keeping of the public arms, and for a guard for the State Prison.

SEC. 3. The Adjutant-General shall have the grade of Major-General. The Governor, by and with the consent of the Senate, shall appoint two Major-Generals and four Brigadier-Generals of militia. They shall take rank according to the date of their commissions. The officers and soldiers of the State militia, when uniformed, shall wear the uniform prescribed for the United States Army; *Provided*, That volunteer companies may select their own uniforms.

SEC. 4. The Governor shall have power to call out the militia to preserve the public peace, to execute the laws of the State, to suppress insurrection, or to repel invasion.

Mr. Oliveros, Chairman of the Enrollment and Engrossment Committee, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 16, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article No. 9, on Education, beg to report that they have



compared and examined the same and find it correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

SAM'L E. HOPE,

THEODORE RANDELL.

Which was received.

The Convention resumed the consideration of Article XI, on the Judiciary Department.

The proposition for consideration was, Shall the Judges of the Circuit Courts be elected by the Circuits?

Mr. McClellan moved to postpone further consideration of the pending question until Saturday, 10 o'clock.

Mr. Sanchez moved to lay the motion to postpone on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bell of Brevard and Dade, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Davidson Earle, Edge, Fowler, Genovar, Gibbs, Goodbread, Goss, Greeley, Hargret, Hatch, Henderson, Herndon, Hicks, Humphries, Hunter, Ives, Landrum, Lewis, Lutterloh, Mann, Marshall, Maxwell, Miller, Mitchell, Morgan, McCaskill, McKinnon, Orman, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Sheats, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Westcott, Wilson of Polk and Manatee, Yonge and Zipperer—55.

Nays—Mr. President, Messrs. Bennett, Bethel, Blackburn, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davis, Duncan, Fogarty, Gillis, Green, Hausman, Hocker, Hope, Johnston, Jones, Lesley, Love, Malone, Milton, McClellan, Neel, Odom, Oliveros, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Scott, Speer, Swearingen, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Wilson of Clay and Wylly—44.

So the motion to lay upon the table was agreed to.

Mr. Love moved that further consideration of the pending proposition be postponed until to-morrow.

Mr. Tolbert moved to lay the motion to postpone on the table;

Which was agreed to.

The question was, Shall the Judges of the Circuit Courts be elected by the Judicial Circuits?

The yeas and nays were called for.

The vote was:



Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Bush, Campbell, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hicks, Hunter, Ives, Johnston, Landrum, Lewis, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Oliveros, Parker, Petty, Randall of Duval, Randell of Madison, Randolph, Rowe, Speer, Taylor, Thompson, Tolbert, Tompkins, Wadsworth, Walter, Wellman, Wyly, Yonge and Zipperer—63.

Nays—Mr. President, Messrs. Broome, Carter, Carson, Conover, Earle, Hatch, Hausman, Henderson, Herndon, Höcker, Hope, Humphries, Jones, Lesley, Love, Lutterloh, Marshall, Odom, Orman, Parkhill, Paterson, Pelot, Richard, Rogers, Sanchez, Scott, Sheats, Stone, Swearingen, Tedder, Turnbull, Walker, Jr., Wall, Weeks, Westcott, Wilson of Clay and Wilson of Polk and Manatee—38.

So the proposition was adopted.

Mr. Blount moved to take from the table the motion offered by Mr. McClellan, on Tuesday, as follows :

That the Convention, in considering the Article upon the Judiciary, shall take up the majority and minority reports of the Judiciary Committee, and consider them by taking up the last sections first, from the last to the first section ;

Which was agreed to.

Mr. Sanchez moved to amend by striking out the words "and minority ;"

Which was accepted, and the motion was agreed to.

Section 23 was read.

Mr. Landrum offered to amend the section as follows :

Insert after "State," in 3d line, "upon complying with such rules and regulations as may be provided by law."

Mr. Mann moved to lay the amendment on the table ;

Which was agreed to.

Mr. Miller offered the following substitute :

Attorneys at law shall be admitted to practice in this State only on examination before the Supreme Court of this State, and attorneys admitted to practice in any other State may be admitted to practice here under such rules as the Supreme Court may prescribe.

Mr. Mann moved to lay the substitute on the table ;

Which was agreed to.

Mr. Malone moved to strike out section 23 ;

Which was agreed to, and section 23 was stricken out.

Section 22 was read and passed without amendment.

Section 21 was read.

Mr. Blount moved to pass over section 21 informally for the present ;

Which was agreed to.

Section 20 was read.

Mr. Blount offered as a substitute section 28 of the minority report as follows :

The Legislature may establish in incorporated towns and cities courts for the punishment of offences against municipal ordinances.

Mr. Green moved that the Convention take a recess until 4 o'clock P. M. to-day ;

Which was agreed to.

#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—101.

A quorum present.

Mr. McCaskill was excused for the day on account of sickness.

Mr. Green asked that a petition presented by him from the citizens of Holmes county a few days ago be taken from the table and referred to the Committee on County, Township and City Organization ;

Which was agreed to, and the petition was so referred.

The consideration of Article XI, on the Judiciary, was resumed.

The substitute for Section 20, offered by Mr. Blount, was read.

Mr. Hicks offered to amend the substitute, as follows :

By adding " And quarantine regulations, with such limitations as may be prescribed by law. "

The question was on the adoption of the amendment.

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to.

The question was then on the adoption of the substitute offered by Mr. Blount.

Mr. Carter moved to lay the substitute on the table ;

Which was not agreed to.

Mr. Yonge then moved the adoption of the substitute in lieu of the original ;

Which was agreed to.

The question was then upon the adoption of the Section ;

Which was agreed to, and the Section was passed.

Section 19 was read.

Mr. Landrum moved to strike out the Section ;

Which was agreed to, and the Section was stricken out.

Section 18 was read.

Mr. Yonge offered to amend as follows :

Strike out " under such instructions," in lines 3 and 4 ;

Which was accepted.

Mr. Yonge offered to amend further :

After " and," in line 2, add " each Justice's District shall have at least one Constable," striking out all from " and " to " Constable ; "

Which was agreed to.

Mr. Landrum offered the following substitute :

A Constable shall be elected by the registered voters in each Justice's District who shall perform such duties and under such instructions as may be prescribed by law.

Mr. Yonge moved to lay the substitute on the table ;

Which was not agreed to.

The question was then on the passage of the substitute in lieu of the original section ;

Which was agreed to, and the substitute was declared adopted.

Section 17 was read.

Mr. Malone offered the following substitute :

The County Commissioners of each county shall divide it into as many Justice Districts, not less than two, as they



may deem necessary. The Governor shall commission, upon the recommendation of the Grand Jury of the county, one Justice of the Peace for each of said districts. He shall hold his office for four years. Every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed fifty dollars and in which the cause of action accrued, or the defendant resides, in his district. He shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge for examination and discharge, commitment or bail of the accused. He shall have power to hold inquests of the dead.

Upon motion of Mr. Sanchez further consideration of section 17 was postponed for the present.

Section 16 was read.

Mr. Walter offered to amend as follows :

The salary of the Chief Justice and Associate Justices of the Supreme Court shall be \$3,500.00 per annum ;

Which was not agreed to.

Mr. Walter offered the following amendment :

The salary of each of the Circuit Judges shall be three thousand dollars.

Mr. Goss moved to lay the amendment on the table ;

Which was agreed to.

Mr. Goodbread offered to amend as follows :

In line second strike out "three" and insert "two." In same line strike out "two thousand," and insert "fifteen hundred."

Mr. McKinnon moved to lay the amendment on the table ;

Which was agreed to.

Mr. Taylor offered the following substitute :

SECTION 16. The salary of the Chief Justice shall be four thousand five hundred dollars per annum, and of the Associate Justices of the Supreme Court, four thousand dollars per annum. The salary of the Circuit Judges shall be three thousand and five hundred dollars per annum ;

Which was tabled on motion of Mr. McKinnon.

Section 16 was then passed as read.

Section 15 was read and adopted

Section 14 was read.

Mr. Rogers offered to amend as follows :

Grand and Petit Jurors shall consist of the most intelligent, upright citizens, to be taken from the registered voters of the respective counties. No Juror shall serve for more than one term of court in each year ;

Which, upon motion, was laid on the table.

Mr. Wellman offered to amend as follows:

Strike out in line one "registered voters," and insert "freeholders."

Mr. Maxwell offered to amend the amendment as follows:

Strike out the words "the registered voters of the respective counties," and substitute "persons of the respective counties eligible to registration as voters;"

Which was accepted by Mr. Wellman.

The question was on the adoption of the amendment as amended;

Which was adopted.

Mr. Malone offered to amend by striking out the first clause; Which was agreed to.

Mr. Taylor offered the following amendment:

Add at the end of the section the following: "but shall not be less than six in any case;"

Which was agreed to.

Mr. Paterson offered the following amendment:

The number of grand jurors shall be twenty-three, and the number of petit jurors in any case, shall be twelve, in Circuit Court.

Mr. Randolph moved to lay the amendment on the table;

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Blount, Broome, Campbell, Carter, Carson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Green, Hatch, Hendley, Herndon, Hocker, Humphries, Hunter, Jones, Landrum, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Oliveros, Orman, Parker, Parkhill, Pelot, Randall of Duval, Randolph, Richard, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—64.

Nays—Messrs. Baker, Bennett, Bethel, Bush, Carr, Challen, Chandler, Clarke of Jefferson, Conover, Gibbs, Greeley, Hargret, Hausman, Henderson, Hicks, Hope, Ives, Johnston, Miller, Mitchell, McKinnon, Neel, Paterson, Petty, Randell of Madison, Scott, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walker, Jr., and Walter—33.

So the motion to lay on the table was agreed to.

Mr. Rogers offered to amend as follows:

Their pay shall be two dollars for each day's actual attend-



ance, and mileage at 5 cents per mile, from their respective places of residence to and from the Court House.

Mr. Bush moved to lay the amendment on the table ;

Which was agreed to.

Section 14 was then passed as amended.

Section 13 was read.

Mr. Hocker offered the following amendment :

Strike out all down to the word "there," in 3d line.

Further consideration of Section 13 was postponed for the present.

Section 11 was read.

Mr. McKinnon moved to amend by striking out the words "County Court" wherever it may occur, and insert in lieu thereof the words "Probate Court," and strike out after the word "years," in line four.

Pending discussion the Convention adjourned until 9 o'clock A. M. to-morrow.

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## THIRTY-SECOND DAY.

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FRIDAY, JULY 17, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez,

Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—104.

A quorum present.

Prayer by the Chaplain.

Mr. Rogers moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

The roll of Committees being called the following reports were submitted:

Mr. Mann, Chairman of the Committee on Suffrage and Eligibility, made the following report:

MAJORITY REPORT.]

CONVENTION HALL, TALLAHASSEE, FLA., July 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Suffrage and Eligibility to whom was referred—

Resolution No. 53, by Mr. Johnston ; Resolution No. 52, by Mr. Miller ; Resolution No. 13, by Mr. Stone ; Resolution No. 64, by Mr. Parkhill ; Resolution No. 8, by Mr. Fowler ; Resolution No. 11, by Mr. Morgan ; Resolution No. 93, by Mr. Lutterloh ; Resolution No. 7, by Mr. Miller ; Resolution No. 88, by Mr. Bush ; Resolution No. 83, by Mr. Hicks ; Resolution No. 26, by Mr. Mitchell ; Resolution No. 107, by Mr. Goodbread ; Resolution No. 134, by Mr. Stone ; Resolution No. 44, by Mr. Orman ; Resolution No. 45, by Dr. Pelot ; Resolution No. 49, by Mr. Sanchez, and Resolution No. 97, by Mr. Goss ;

Beg leave to report that they have duly considered the matter above recited, and, in view of a division among the Committee upon the advisability of making the payment of a poll tax as a qualification for voting, they are of the opinion that it would be a dangerous clause to insert in the body of this Article, and therefore submit a separate ordinance, which may be adopted or rejected without affecting the ratification of the Constitution. In this our Committee stood 9 to 2.

Very respectfully,

A. S. MANN,  
Chairman Committee.

Which was received.

## ARTICLE XIV.

## SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of offering to vote, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified elector at all elections under this Constitution. Every elector shall at the time of his registration take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution of the State of Florida."

SEC. 2. No person under guardianship, *non compos mentis* or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

SEC. 3. The legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or become directly or indirectly interested in any bet or wager, the result of which shall depend upon any election; or who shall hereafter fight a duel or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 4. Any person who shall give, or promise or offer to give, to an elector any money, reward or other valuable consideration for his vote at an election in this State, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive or agree to receive for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election

officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SEC. 5. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit under the laws of this State; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of six years.

SEC. 6. In all elections by the Legislature the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

SEC. 7. Every ballot voted, when the voter shall request the same, shall be numbered, the number placed thereon shall be recorded by the election officers on the list of voters opposite the name of the voter, with the fact that it was done at the voter's request. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested elections the ballots cast may be counted, compared with the list of voters and examined under such safeguards as may be provided by law.

SEC. 8. The Legislature, at its first session after the ratification of this Constitution, shall by law provide for the registration, by the Clerk of the Circuit Court in each county, of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

#### AN ORDINANCE

To be voted upon separate from the Constitution, to become a part of the Constitution if adopted.

That in addition to the requisite qualifications of an elector of this State as recited in Section one of this Article: No person shall be deemed such qualified elector until he shall have paid each year a capitation tax not to exceed one dollar, as shall be provided by law.

A. S. MANN, Chairman of Committee.

Messrs. Turnbull and Odom offered the following minority report:

#### MINORITY REPORT.]

CONVENTION HALL, TALLAHASSEE, FLA., July 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: The undersigned agree in the main with the majority



report, except as to Section 7. The effect of this section, as we think, will tend to destroy the secrecy of the ballot. They also dissent from the majority of the Committee as to the ordinance. They believe that it should be made a section of Article XIV, and not be submitted as a separate vote, and so recommend.

Very respectfully,

S. J. TURNBULL,  
E. L. ODOM.

Which was also received.

Mr. Gibbs gave notice that he would submit a minority report on to-morrow.

Mr. Yonge, Chairman of the Committee on County Township and City Organization, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 17, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on County, Township and City Organization, to whom was referred—

A petition from certain citizens of Holmes county praying a changing of the county lines of said county by which a portion of the territory of said county would be added to Walton county, also a counter petition signed by 267 other citizens of Holmes county, protesting against any such action,

Beg leave to report that they have had both petitions under consideration, and recommend that no action be taken by this Convention interfering with the county lines of said counties.

Very respectfully,

J. E. YONGE, Chairman

Committee on County, Township and City Organization.

Mr. Green moved that the report be received and adopted ;

Which was agreed to.

The consideration of Article XI, on Judiciary, was resumed.

Mr. Carter moved that further consideration of Article XI be postponed until 10 o'clock A. M. Tuesday next ;

Which was agreed to.

Mr. Hicks gave notice that he would on to-morrow move to reconsider the vote by which the following amendment to section 26, Article XI, was lost :

“ And quarantine regulations, with such limitations as may be prescribed by law.”

Mr. Walter moved that 500 additional copies of the Journal be ordered printed each day.



Mr. Swearingen moved to lay the motion on the table ;  
Which was agreed to.

Article XII, on Finance and Taxation, was read a third time.

Mr. Challen moved to amend section 6 by striking out the words "tax on" just before the word licenses ;

Which, upon motion, was laid upon the table.

Mr. Walker, Jr., offered to amend sect on 6 as follows :

After "tax," in 4th line, add "license tax" in 3d line.

Mr. Blount moved to lay the amendment on the table ;

Which was agreed to.

Mr. Walker, Jr., moved to strike out section 9.

Mr. Blount moved to lay the motion to strike out on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Duncan, Edge, Genovar, Goodbread, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Love, Maxwell, Miller, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Speer, Swearingen, Turnbull, Wadsworth, Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wyly and Yonge—62.

Nays—Messrs. Baker, Bell of Hamilton, Broome, Bush, Carr, Carson, Challen, Chandler, Conover, Davidson, Earle, Forgarty, Fowler, Gibbs, Gillis, Goss, Greeley, Hargret, Henderson, Lesley, Lutterloh, Marshall, Mitchell, Petty, Sanchez, Sheats, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Walker, Jr., Wilson of Polk and Manatee and Zipperer—35.

So the motion to lay upon the table was agreed to.

Mr. Blount moved to strike out the word "that" at the beginning of section 10 ;

Which was agreed to.

Mr. Hicks offered to amend section 10 as follows :

After the word "personal," in first line, insert the words "and real."

Mr. Wilson offered to amend the amendment as follows :

Amend by striking out the word "personal" in first line ;

Which was accepted by Mr. Hicks.

The question was upon the adoption of the amendment ;

Which was agreed to.

Mr. Challen moved to amend Section 10 as follows :

Strike out words "or by misfortune," at the end of the section.

Mr. Swearingen moved to lay the amendment on the table ;  
Which was agreed to.

Upon motion of Mr. Coker, Hon. A. C. White, of Jackson county, was invited to a seat within the bar.

Mr. Taylor moved to amend Section 6 by changing the word "corporations" to "municipal," in third line.

Mr. Challen moved to lay the amendment on the table ;  
Which was not agreed to.

The question was then upon the adoption of the amendment ;

Which was agreed to, and the section was so amended.

The question was upon the final passage of Article XII.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Goodbread, Greeley, Green, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh Mann, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Swearingen, Taylor, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—80.

Nays—Messrs. Baker, Bell of Hamilton, Carr, Challen, Chandler, Conover, Hargret, Hatch, Henderson, Marshall, Miller, Mitchell, Petty, Stone, Tedder, Thompson, Walker, Jr. and Walter—18.

So the Article was declared adopted.

Mr. Maxwell gave notice that he would call up Article V, on Executive Department, for a final passage on to-morrow.

Mr. McKinnon obtained leave and introduced the following new Rule :

RULE —.No Article, Ordinance or Resolution to be incorporated in this Constitution, shall be amended on its third reading, without the unanimous consent of the Convention ;

Which was laid over until to-morrow under the rules.

Article X was again read a third time, and put upon its final passage.

Mr. Rogers offered to amend section 2 as follows :

In line one, after the word "be" strike out the word "established." and insert "permanently located."

Mr. Lutterloh moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Green, Hausman, Hendley, Henderson, Herndon, Hocker, Humphries, Jones, Landrum, Lesley, Love, Lutterloh, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Randell of Madison, Richard, Rowe, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Weeks, Westcott, Wilson of Clay and Yonge—54.

Nays—Messrs. Baker, Bell of Hamilton, Blackburn, Broome, Bush, Carr, Carson, Challen, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hargret, Hicks, Hunter, Johnston, Lewis, Marshall, Miller, Mitchell, Pelot, Petty, Randall of Duval, Rogers, Sanchez, Sheats, Thompson, Walker, Jr., Walter, Wyly and Zipperer—33.

So the motion to lay upon the table was agreed to.

Mr. Walker, Jr., offered the following amendment to section 2 :

Strike out all down to "law" and insert "a penitentiary which shall be the State Prison shall be permanently established and maintained in such manner as may be fixed by law ;"

Which was accepted by the Chairman of the committee, and the President stated that if there was no objection the amendment would be declared adopted, and there being none it was so announced.

Mr. Yonge stated that he did not understand the amendment as being adopted.

The President stated that if there was a doubt as to its passage, the question would be submitted to a vote of the House.

No objection being offered, this was done, and the amendment offered by Mr. Walker, Jr., was not agreed to.

Mr. Walker moved to strike out Section 2.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of

Hamilton, Bush, Chandler, Conover, Fowler, Goss, Lewis, Mann, Miller, Petty and Walker, Jr.—13.

Nays—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carr, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Genovar, Gibbs, Goodbread, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Marshall, Maxwell, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer.—80.

So the motion to strike out the section was not agreed to.

Mr. Hocker moved the adoption of Article X, and called the previous question.

The previous question was ordered.

The question was upon the final passage of Article X, on Public Institutions.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Marshall, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—78.

Nays—Messrs. Baker, Bell of Hamilton, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hargret, Lewis, Miller, Mitchell, Petty, Randall of Duval, Thompson, Walker, Jr., and Wellman—19.

So Article 10, on Public Institutions, was declared adopted. Article XVIII, on Temperance, was read a third time.

The question was upon the final passage of the Article.

The yeas and nays were called for.



The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Campbell, Carter, Carr, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Davis, Duncan, Earle, Fowler, Genovar, Gibbs, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Landrum, Lewis, Love, Lutterloh, Mann, Marshall, Miller, Milton, Morgan, McKinnon, Neel, Odom, Orman, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Rogers, Rowe, Scott, Sheats, Speer, Stone Swearingen, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wall, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—74.

Nays—Messrs. Blount, Bush, Challen, Coker, Conover, Davidson, Edge, Fogarty, Goodbread, Goss, Henderson, Jones, Lesley, Maxwell, Mitchell, McClellan, Oliveros, Parker, Patterson, Richard, Taylor, Thompson and Walker, Jr.—23.

So Article XVIII, on Temperance, was declared adopted.

Mr. Greeley was excused until Monday.

Messrs. Hicks and Odom were indefinitely excused on account of sickness.

Mr. McCaskill was also excused indefinitely on account of sickness.

The following additional section to Article 4, on Legislative Department, was read the second time :

The Legislature shall not pass any laws repealing or amending any criminal statute or law so as to affect the trial or punishment of any kind already committed at the time of such repeal or amendment, but the existing law as repealed or amended shall continue in full force and effect as to all crimes committed in violation of such repealed or amended law prior to such repeal or amendment.

Mr. Bethel moved that if there were no amendments offered to the additional section that it be read the third time and put upon its passage.

Mr. Randall, of Duval, moved to amend by striking out the word "as," in the third line, and insert in lieu thereof the word "so ;"

Which was agreed to.

Mr. Hocker offered the following amendment :

Amend in second line by striking out "trial," and insert "prosecution ;"

Which was accepted.

Mr. Baker offered the following amendment :



After the word "committed" insert "but untried."

Mr. Bethel moved to lay the amendment on the table ;

Which was agreed to.

The question was then on the passage of the additional section as amended.

Mr. Taylor moved to amend as follows :

*Provided*, That nothing herein shall be so construed as to prevent the Legislature from passing special or other laws restoring convicted persons to their civil rights ;

Which was agreed to.

The question was again upon the passage of the additional section as amended ;

Which was agreed to, and the additional section was passed and ordered engrossed for a third reading.

SECTION —. The Legislature shall not pass any laws repealing or amending any criminal statute or law so as to affect the prosecution or punishment of any crime already committed at the time of such repeal or amendment, but the existing law so repealed or amended shall continue in full force and effect as to all crimes committed in violation of such repeal d or amended law prior to such repeal or amendment ; *Provided*, That nothing herein shall be so construed as to prevent the Legislature from passing special or other laws restoring convicted persons to their civil rights.

On motion, the Convention took a recess until 4 o'clock P. M. to-day.

#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Green, Hatch, Hausman, Henderson, Herdon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Morgan, McClellan, McKinnon,

Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randoll of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—92.

A quorum present.

Messrs. Bethel and Zipperer were excused on account of sickness.

Mr. Malone moved to reconsider the vote by which the additional section to Article IV was passed for its third reading on this morning.

Mr. Baker moved that the further consideration of the motion to reconsider be postponed until Monday ;

Which was not agreed to.

The question was on the motion to reconsider ;

Which was agreed to.

Mr. Blount offered the following substitute :

The repeal or amendment of any criminal statute shall not affect the prosecution or punishment of any crime committed before such repeal or amendment.

The question was: Shall the substitute be placed in lieu of the original ?

Which was agreed to.

Mr. Landrum offered the following substitute :

The Legislature shall not pass any laws repealing or amending any criminal statute or law so as to affect the trial or punishment of any crime in any cause pending before any of the courts upon bill of indictment, information or otherwise. But in all cases the trial shall proceed to conviction and punishment under the law so repealed.

Mr. Marshall moved to lay the substitute offered by Mr. Landrum on the table ;

Which was agreed to.

The substitute offered by Mr. Blount and adopted was then read a second time and ordered engrossed.

The following additional section to the Preamble and Declaration of Rights was read the second time :

No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage ;

Which was adopted, and ordered engrossed for a third reading.

Article No. I, on Boundaries, came up for consideration on its second reading.

Article No. I was passed to its third reading without amendment.

Mr. Love moved that the rules be waived and that Article No. I, on Boundaries, be read a third time ;

Which was agreed to, over two-thirds of the delegates voting in the affirmative.

Article No. I, on Boundaries, was then read a third time and put upon its passage.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—98.

Nays—None.

So the Article was passed as stated.

Article —, on Private Corporations, came up for consideration on its second reading.

Section I was read.

Mr. Earle offered the following amendment :

Insert "and" between "persons and property," and strike out "power and messages ;"

Which was adopted.

Mr. Yonge offered to amend as follows :

Insert in 2d line between "unjust and discrimination," the words "and unreasonable."

Mr. Lesley moved to lay the amendment on the table ;

Which was agreed to.

Mr. Clarke, of Jackson, offered to amend as follows :

Strike out the words "is invested with full power to," in first line, and insert therefor, "at its next session shall."

Mr. Lesley moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Challen offered the following substitute for section 1 :

The exercise and claim of the right of eminent domain by any corporation shall constitute the domain occupied and used by such corporation a public highway, and the property and franchises of such corporation may be subjected to public use by the Legislature, which may also correct abuses by such companies, prevent unjust discrimination and protect the just rights of the public by laws with adequate penalties and forfeitures.

Mr. Lesley moved to lay the substitute on the table ;  
Which was agreed to.

Section 1 was then passed as amended.

Section 2 was read.

Mr. Walker, Jr., moved to amend as follows :

Insert "salaried" after "any," in 3d line ;

Which was accepted by the Chairman of the committee.

Mr. Malone moved to amend as follows :

Insert "or common carrier" after "company," in first line ;

Which was accepted.

Mr. Lesley moved to strike out section 2.

Mr. Earle moved to lay the motion to strike out on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Cook, Davis, Earle, Edge, Fogarty, Genovar, Gillis, Goss, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hunter, Ives, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Marshall, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Tedder, Tolbert, Wadsworth, Walker, Jr., Weeks, Wilson of Clay, Wyllly and Yonge—69.

Nays—Messrs. Baker, Bell of Hamilton, Clarke of Jefferson, Conover, Davidson, Duncan, Fowler, Gibbs, Goodbread, Hope, Humphries, Lesley, Mann, Maxwell, Miller, Oliveros, Paterson, Taylor, Thompson, Tompkins, Walter, Wellman, Westcott and Wilson of Polk and Manatee—24.

So the motion was agreed to.

Mr. Lesley offered the following amendment:

Strike out the word "no" in first line in section 2, and insert before the word "railroad" the following: "The Legislature shall enact such laws as will prevent."

Mr. Tolbert moved to lay the amendment on the table;

Which was agreed to.

Mr. Baker offered the following amendment:

Nor shall any member of the Legislature or any State officer travel upon any railroad or steamboat in this State.

Mr. Sanchez moved to lay the amendment on the table;

Which was agreed to.

Mr. Mann offered the following substitute:

SECTION 2. All railroad, or other transportation companies, shall grant free *passes* to all officers of this State for the period or term of office for which they are elected as well as the members of both branches of the Legislature.

Mr. Marshall moved to lay the substitute on the table;

Which was agreed to.

Mr. Lesley offered the following amendment:

Strike out all in line one to and including the word "shall," and insert the following: "The Legislature shall also enact such laws as to prevent railroads, transportation companies or common carriers in this State from granting."

Mr. McKinnon moved to lay the amendment on the table;

Which was agreed to.

Mr. Sheats offered the following amendment:

Strike out in the third line, "to any officer holding office under this State," and insert "judicial officer."

Mr. Campbell moved to lay the amendment on the table;

Which was agreed to.

Mr. Tolbert moved the adoption of section 2, and called the previous question.

The question was. Shall the main question be now put?

Which was agreed to.

The question was then upon the passage of the section.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Earle, Edge, Fogarty, Fowler, Genovar, Gillis,



Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hunter, Ives, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Marshall, Milton, Morgan, McClellan, McKinnon, Neel, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randell of Madison, Richard, Sanchez, Scott, Speer, Stone, Tedder, Tolbert, Wadsworth, Walker, Jr., Wall, Weeks, Wilson of Clay, Wyly and Yonge—67.

Nays—Messrs. Baker, Carr, Chandler, Conover, Davidson, Duncan, Gibbs, Hargret, Hope, Humphries, Lesley, Mann, Maxwell, Miller, Oliveros, Paterson, Randolph, Sheats, Thompson, Tompkins, Walter Wellman, Westcott and Wilson of Polk and Manatee—29.

So the section was passed as amended.

Mr. Earle offered the following additional section :

SECTION —. Persons and property transported over any railroad or other transportation company doing business in this State shall be delivered at any station at charges not exceeding the charges to any more distant station, but excursion and commutation tickets may be issued at special rates, and the Legislature shall enforce this provision by suitable laws.

Mr. McKinnon moved that the minority report of the Committee on Private Corporations be indefinitely postponed.

Mr. Hargret was excused until Tuesday next.

Pending discussion the Convention was adjourned until 9 o'clock A. M. to-morrow.

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## THIRTY-THIRD DAY.

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SATURDAY, JULY 18, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock,

Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hatch, Hausman, Henderson, Herndon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, Mclellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Taylor, Tedder, Tolbert, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—98

A quorum present.

Prayer by the Chaplain.

Mr. Hatch moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was corrected and approved.

Messrs. Rogers, Bush and Herndon were excused on account of sickness.

Messrs. Randell, of Madison, and Wadsworth were granted leave of absence.

Mr. Morgan was excused until Tuesday.

The following rule, offered by Mr. McKinnon on yesterday, came up for consideration :

RULE —. No Article, Ordinance or Resolution to be incorporated in this Constitution, shall be amended on its third reading, without the unanimous consent of the Convention.

Mr. McKinnon moved its adoption.

Mr. Baker offered the following amendment to the proposed rule :

*Provided*, That this rule shall not apply to articles or sections now on their third reading.

The question was upon the adoption of the amendment;

Which was agreed to.

Mr. Pelot moved to lay the rule as amended on the table;

Which was agreed to.

The roll of committees was called and the following reports submitted :

Mr. Gibbs, of the Committee on Suffrage and Eligibility, offered the following minority report :

CONVENTION HALL, TALLAHASSEE, FLA., July 18, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: The undersigned member of your Committee on Suffrage and Eligibility,

frage and Eligibility, begs leave to state that while concurring in the majority report on Article XIV, he does not concur in the recommendation of the Ordinance imposing a poll tax as a pre-requisite to the right to vote, and would respectfully recommend that it do not pass.

Very respectfully,

T. V. GIBBS,

Member Committee.

Which was received and read.

Mr. Oliveros, Chairman of the Engrossment and Enrollment Committee, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 18, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Additional section to Bill of Rights, and additional section to Article No. IV,

Beg leave to report that they have examined and compared the same, and find them correctly engrossed.

B. F. OLIVEROS, Chairman,

THEODORE RANDELL,

H. H. DUNCAN.

Which was received, read and the accompanying papers placed among the orders of the day.

Article —, on Militia, was read the first time by its title, and placed among the orders of the day.

Article V, on Executive Department, was again read a third time, and put upon its final passage.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gibbs, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Richard, Robertson, Rowe, Scott, Sheats, Speer, Stone, Taylor, Tedder, Tolbert, Tompkins, Wadsworth, Walker, Jr., Wall, Weeks,

Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—77.

Nays—Messrs. Baker, Carr, Chandler, Conover, Fowler, Goss, Miller, Petty and Thompson—9.

So Article V, on Executive Department, was passed as stated.

The Convention resumed the consideration of the minority report of the Committee on Private Corporations.

The question was upon the indefinite postponement of the minority report ;

Which was agreed to.

The following additional section to the Article on Private Corporations, offered by Mr. Earle on yesterday, was again read :

Section —. Persons and property transported over any railroad or other transportation company doing business in this State shall be delivered at any station at charges not exceeding the charges to any more distant station, but excursion and commutation tickets may be issued at special rates, and the Legislature shall enforce this provision by suitable laws.

Mr. Gillis moved to lay the additional section on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Blount, Broome, Chandler, Clarke of Jefferson, Coker, Conover, Cook, Davidson, Duncan, Fogarty, Fowler, Genovar, Gibbs, Gillis, Hausman, Henderson, Hocker, Hope, Humphries, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Maxwell, Milton, McClellan, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Robertson, Scott, Speer, Stone, Taylor, Tedder, Tompkins, Wall, Walter, Wellman, Westcott, Wilson of Polk and Manatee, Wyly and Yonge—53.

Nays—Messrs. Bell of Hamilton, Bennett, Blackburn, Campbell, Carter, Carr, Carson, Challen, Clarke, of Jackson, Davis, Earle, Edge, Goodbread, Goss, Green, Hatch, Hendley, Hunter, Marshall, Miller, Morgan, McKinnon, Neel, Randell of Madison, Randolph, Richard, Rowe, Sheats, Thompson, Tolbert, Wadsworth, Walker, Jr., Weeks and Wilson of Clay—34.

So the motion to lay on the table was agreed to.

Mr. Thompson offered the following additional section to the Article on Private Corporations :

#### ADDITIONAL SECTION.

All existing charters or grants of special or exclusive priv-

ileges under which a *bona fide* organization shall not have taken place and commenced, and carrying on business according to the provisions creating such charters or grants at the time of the adoption of this Constitution, shall be declared null and void ; and all lands included or embraced in such charters or grants shall be reserved for the exclusive use of actual settlers in this State by homestead entry.

Mr. Lesley moved to lay the additional section on the table ;

Which was agreed to.

The yeas and nays were called for.

The vote was :

Yeas—Mr. Blackburn, Blount, Broome, Carson, Clarke of Jefferson, Davidson, Duncan, Edge, Fogarty, Fowler, Genovar, Gillis, Hausman Hendley, Henderson, Humphries, Lesley, Love, Malone, Mann, Milton, Morgan, McClellan, Paterson, Pelot, Randell of Madison, Richard, Scott, Sheats, Speer, Stone, Taylor, Tedder, Tompkins, Wadsworth, Wall, Weeks, Wellman, Westcott, Wilson of Clay, Wyly and Yonge—42.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Campbell, Carter, Carr, Challen, Chandler, Clark of Jackson, Coker, Conover, Gibbs, Goodbread, Goss, Green, Hatch, Hocker, Hunter, Jones, Landrum, Lutterloh, Marshall, Maxwell, Miller, McKinnon, Neel, Oliveros, Parker, Parsons, Petty, Randall of Duval, Randolph, Robertson, Rowe, Thompson, Tolbert, Walker, Jr., and Walter—39.

So the Convention agreed to lay the additional section on the table.

Mr. Lesley moved that Article No. —, on Private Corporations, be passed ;

Which was agreed to, and Article No. —, on Private Corporations, was ordered engrossed for a third reading, and placed among the orders of the day.

MAJORITY REPORT.]

## ARTICLE NO. —.

### PRIVATE CORPORATIONS.

SECTION 1. The Legislature is invested with full power to pass laws to correct abuses and prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property, or performing other services of a public nature, and shall provide for enforcing such laws by adequate penalties or forfeitures.

SEC. 2. No railroad or other transportation company or com-



mon carrier in this State shall grant a free pass, or discount the fare paid by the public generally, to any member of the Legislature, or to any salaried officer holding office under this State, and the Legislature shall prohibit the granting or receiving such free pass, or fare at a discount, by suitable penalties.

Mr. Challen gave notice that he would on Monday move to reconsider the vote by which the minority report on Private Corporations was indefinitely postponed.

Article No. XVI, on Miscellaneous Provisions, came up for consideration on the second reading.

Section 1 was read.

Mr. Taylor offered the following amendment :

"Strike out all after the word Legislature in third line."

Mr. Love moved to lay the amendment on the table ;

Which was agreed to.

Mr. Walker offered the following amendment :

Insert "at" after "be" in first line, and strike out all after "in Leon," and strike out "and remain permanent in" in 2d line.

Mr. Humphries moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas — Messrs. Blackburn, Blount, Campbell, Carter, Carson, Challen, Davidson, Earle, Edge, Fowler, Gibbs, Gillis, Hope, Humphries, Lesley, Lutterloh, Malone, Milton, Oliveros, Randolph, Robertson, Sanchez, Sheats, Taylor, Tolbert, Wellman and Wilson of Polk and Manatee—27.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Broome, Carr, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davis, Duncan, Fogarty, Genovar, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Hunter, Ives, Jones, Landrum, Lewis, Love, Mann, Marshall, Maxwell, Miller, Mitchell, Morgan, McClellan, McKinnon, Neel, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Richard, Rowe, Scott, Speer, Tedder, Thompson, Wadsworth, Walker, Jr., Walter, Weeks, Westcott, Wilson of Clay, Wyly and Yonge—60.

So the motion to lay upon the table was not agreed to.

The question was on the adoption of the amendment offered by Mr. alker, Jr.

Mr. Sanchez offered the following amendment to the original, which took precedence to Mr. Walker, Jr's., amendment to strike out :

After "by" insert "majority vote," strike out "two-thirds."

Mr. Walker, Jr., called the previous question.

The question was, "Shall the main question be now put?"

Which was agreed to.

The question was upon the adoption of the amendment offered by Mr. Sanchez.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Blount, Carter, Challen, Cook, Earle, Fowler, Genovar, Gillis, Goss, Humphries, Lutterloh, Marshall, Miller, Oliveros, Randolph, Sanchez, Sheats, Taylor, Tolbert, Wellman and Wilson of Polk and Manatee—21.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Broome, Campbell, Carr, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Davidson, Davis, Duncan, Edge, Fogarty, Gibbs, Goodbread, Green, Hatch, Hausman, Henderson, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Malone, Mann, Maxwell, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Richard, Robertson, Rowe, Scott, Speer, Stone, Tedder, Thompson, Tompkins, Wadsworth, Walker, Jr., Wall, Walter, Weeks, Westcott, Wilson of Clay, Wyly and Yonge—67.

So the amendment was not adopted.

The question was then upon the amendment offered by Mr. Walker, Jr., to insert and strike out;

Which was agreed to.

Section 1 was then adopted as amended.

Section 2 was read.

Mr. Paterson moved to amend by inserting the words "or affirm" after the word "swear" in third line;

Which was accepted.

Section 2 was passed as amended.

Section 3 was read and passed without amendment.

Section 4 was read.

Mr. McKinnon offered to amend as follows:

And the Clerk and Sheriff shall either reside, or have a sworn deputy, within two miles of the county seat;

Which was accepted.

Mr. Blackburn moved to amend the amendment as follows:

Strike out "two miles."

Mr. McClellan moved the previous question.

The previous question was ordered.

The question was upon the adoption of the amendment to the amendment offered by Mr. Blackburn ;

Which was not agreed to.

The question was then upon the adoption of the section as amended ;

Which was agreed to and the section was passed as amended.

Section 5 was read.

Mr. Mitchell offered to amend as follows :

In second line strike out " eighty " and insert " sixty."

Mr. Walter moved to lay the section and the amendment on the table ;

Which was not agreed to.

Mr. Duncan offered the following amendment :

Strike out " to actual settlers," and insert " for actual settlement ;"

Which was not agreed to.

The question was then upon the adoption of the section ;

Which was agreed to, and section 5 was declared passed, without amendment.

Section 6 was read.

Mr. Taylor offered to amend as follows :

In line 2, of section 6, strike out the words " of a general nature," and insert in lieu thereof the words " it may enact ; "

Which was accepted.

Section 6 was then passed as amended.

Section 7 was read.

Mr. Goodbread offered to amend by striking out the word " four," and inserting " two ; "

Which was not agreed to.

Section 7 was then passed without amendment.

Section 8 was read.

Mr. Randall moved to amend as follows :

Insert the words " of officers " between the words " election and shall," in the first line ;

Which was accepted.

Section 8 was then passed as amended.

Section 9 was read.

Mr. Walker, Jr., offered to amend as follows :

" But the County Commissioners shall approve all bills of costs in trials for misdemeanors before they shall be paid."

Mr. Love moved to lay the amendment on the table ;

Which was agreed to.

Pending discussion, on motion of Mr. Milton, the Convention was adjourned until 9 o'clock A. M. Monday.

## THIRTY-FOURTH DAY.

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MONDAY, JULY 20, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread Goss, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Landrum, Lesley, Lewis, Love, Lutterloh, Mann, Marshall, Maxwell, Milton, Mitchell, McClellan, McKinnon, Neel, Orman, Parker, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Tedder, Tolbert, Tompkins, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—83.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Messrs. Oliveros, Miller and Whitmire were excused.

The following communication was received and read :

Mt. McGREGOR, July 14th, 1885.

*Wm. H. Reynolds,*

DEAR SIR : General Grant directs me to acknowledge the receipt of the resolution, and through you thank the members of the Constitutional Convention of Florida for their kind sympathy expressed therein.

Respectfully,

F. D. GRANT.

Mr. Gillis, Chairman of the Committee to Revise and Super-vise Recording of Journal, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 20, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Revising the Journal, direct me to report—

That the Journal has been revised to proceedings of 26th day.

Very respectfully,

IRVING GILLIS,  
Chairman Committee.

Mr. Challen moved to reconsider the vote by which the minority report of the Committee on Private Corporations was indefinitely postponed on Saturday ;

Which was not agreed to and the Convention refused to reconsider.

The Convention resumed the consideration of Article XVI, on Miscellaneous Provisions.

Section 9 was read.

Mr. Love, on behalf of the Committee, withdrew the original section, and offered the following substitute in lieu thereof:

In all criminal cases prosecuted in the name of the State, where the defendant is insolvent or discharged, the State shall pay the legal cost and expenses, including the fees of officers.

Mr. Sanchez offered to amend as follows :

Strike out "in the Circuit Court."

Mr. Love moved to lay the amendment on the table ;

Which was not agreed to.

The question was upon the adoption of the amendment ;

Which was agreed to, and the amendment was adopted.

Mr. Walker offered to amend as follows :

Add "under such regulations as shall be provided by law ;"

Which was agreed to, and the amendment was adopted.

Section 9 was then passed as amended.

Section 10 was read and passed without amendment.

Section 11 was read.

Mr. Yonge moved to strike out the entire section.

Mr. Gillis offered the following substitute :

In no case shall a general law be suspended by the Legislature for the benefit of any particular individual, corporation or association.



Mr. Yonge withdrew the motion to strike out the section, and accepted the substitute as offered by Mr. Gillis.

Mr. Blackburn offered to amend the original as follows :

After "enacted," 2d line, section 11, add "except as otherwise provided for in this Constitution."

Mr. Walker, Jr., moved to adopt the amendment ;  
Which was agreed to.

Mr. Gillis withdrew the substitute.

The question was upon the adoption of the section as amended.

Mr. Yonge moved to strike out the section as amended.

Mr. Walker, Jr., moved to lay the motion to strike out on the table ;

Which was not agreed to.

The question was then upon the motion of Mr. Yonge to strike out the section.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bethel, Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Green, Hausman, Hocker, Hope, Humphries, Lesley, Mann, Maxwell, Milton, McClellan, McKinnon, Neel, Orman, Parker, Paterson, Pelot, Randall of Duval, Randolph, Richard, Robertson, Sanchez, Scott, Sheats, Speer, Tolbert, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wyly and Yonge—48.

Nays—Messrs. Baker, Bennett, Blackburn, Broome, Carter, Carson, Challen, Chandler, Conover, Davidson, Gibbs, Goodbread, Goss, Hatch, Hendley, Henderson, Hicks, Hunter, Landrum, Lewis, Lutterloh, Marshall, Mitchell, Parsons, Petty, Rowe, Stone, Tedder, Thompson, Tompkins, Walker, Jr., and Wilson of Polk and Manatee—32.

So the motion to strike out the section was agreed to.

Upon motion, ex-Governor Geo. F. Drew and Mr. C. H. Jones, of Jacksonville, were invited to seats within the bar.

Section 12 was read and adopted without amendment.

Section 13 was read.

Mr. Maxwell moved to amend as follows :

Strike out the words "and shall be kept and used as provided in this Constitution ;"

Which was agreed to and the section was passed as amended.

Section 14 was read.

Mr. Carter moved to amend as follows :

Strike out the words "the counties where such county officers reside." and insert "the State of Florida," in line 4, section 14, Article 16.

Mr. Wilson, of Polk, moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Goodbread, Hausman, Hendley, Hocker, Hope, Humphries, Landrum, Lesley, Love, Lutterloh, Mann, Marshall, Maxwell, Milton, McClellan, McKinnon, Orman, Parker, Parsons, Paterson, Pelot, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Tolbert, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—51.

Nays—Messrs. Baker, Broome, Carter, Challen, Chandler, Fowler, Genovar, Gibbs, Gillis, Goss, Green, Hatch, Henderson, Hicks, Hunter, Lewis, Mitchell, Neel, Petty, Randall of Duval, Rowe, Sanchez, Tedder, Thompson, Tompkins, Walker, Jr., Walter and Westcott—28.

So the question to lay upon the table was agreed to, and the amendment was laid on the table.

Mr. Chandler moved to strike out the entire section.

Mr. Wilson, of Polk, moved to lay the motion to strike out on the table.

Which was agreed to.

The question was then upon the adoption of the section.

Mr. Baker offered the following amendment to the section :

*Provided*, That any State or county officer may give the bond of any surety and fidelity company under such restrictions as may be provided by law.

Pending discussion Mr. Love moved that the further consideration of Article XIV be postponed until to-morrow morning ;

Which was agreed to, and the further consideration was so postponed.

Section 15 was read.

Mr. Hocker moved to amend as follows :

Amend Section 15, Article XVI, by adding thereto after the word "duties," in the last line, the following : "And shall be recorded by order of the Comptroller in the respective counties of the said officers, and shall thereby become a lien in

favor of the State, and the county, of any officer for any official indebtedness of said officers during their terms of office upon all the real estate which the principals in said bonds shall own in the State at the time of execution thereof, or shall own therein during the term of office of any of said principals, and shall continue to be a lien on said real estate superior to all exemptions and subsequent liens for one year after the expiration of the term of office of any such officer ; ”

Which was read.

Mr. Landrum offered the following substitute :

#### SUBSTITUTE FOR SECTION 15.

The official bonds of the Sheriffs and Clerks of the Circuit Courts shall be approved by the Circuit Judges or State Attorneys of the several Judicial Circuits of this State. The Assessors of Taxes and Collectors of Revenue of the several counties of this State shall be approved by the Board of County Commissioners of the several counties of this State, before such officers shall enter upon the discharge of their respective duties ;

Which was read for information.

Mr. Walter moved that the further consideration of section 15, together with the amendment and substitute, be laid over until to-morrow ;

Which was agreed to.

Section 16 was read and passed without amendment.

Section 17 was read and passed without amendment.

Section 18 was read.

Mr. Walker, Jr., moved to amend as follows :

Insert after corporation as follows : “ Except the property of a corporation which shall construct a ship or barge canal across the peninsula of Florida if the Legislature should so enact.”

Mr. Baker offered to amend the amendment as follows :

Insert “ or barge ; ”

Which was accepted by Mr. Walker, Jr.

Mr. Love moved to lay the amendment as amended on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bethel, Blount, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Edge, Fogarty, Fowler, Gillis, Green, Henderson, Hicks, Hocker, Humphries, Love, Lutterloh, Milton, McClellan, McKinnon, Neel, Pater-

son, Pelot, Randolph, Scott, Speer, Stone, Tedder, Tolbert, and Westcott—32.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Broome, Carr, Challen, Chandler, Conover, Cook, Davidson, Duncan, Earle, Genovar, Gibbs, Goodbread, Goss, Hatch, Hendley, Hope, Hunter, Landrum, Lesley, Lewis, Mann, Marshall, Maxwell, Mitchell, Orman, Parker, Parsons, Petty, Randall of Duval, Richard, Robertson, Sanchez, Sheats, Thompson, Tompkins, Walker, Jr., Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—48.

So the motion to lay on the table was not agreed to.

The question was then on the adoption of the amendment as amended ;

Which was agreed to.

The question was then upon the adoption of the section as amended.

Mr. Blount moved to further amend as follows :

Insert before the word "religious," in line 2, the words "municipal, literary ;"

Which was agreed to.

The question was again upon the adoption of section 18 as amended ;

Which was agreed to, and the section was declared passed as amended.

Section 19 was read and passed without amendment.

Section 20 was read and passed without amendment.

Section 21 was read.

Mr. Lesley moved to strike out section 21 ;

Which was agreed to, and the section was stricken out.

Section 22 was read and stricken out.

Section 23 was read and passed without amendment.

Section 24 was read.

Mr. Goodbread, of Hamilton, moved to strike out the section ;

Which was agreed to, and the section was so stricken.

Section 25 was read and adopted without amendment.

Section 26 was read.

Mr. Randall, of Duval, offered the following substitute :

A certified copy of the record of any deed or mortgage which has been or shall be duly recorded according to law, shall be admitted as *prima facie* evidence thereof and of its due execution with like effect as the original duly proved, provided it be made to appear that the original is not within the custody or control of the party offering such copy.

The question was upon the placing of the substitute in lieu of the original ;

Which was agreed to.

The question was then upon the adoption of the section as substituted ;

Which was agreed to, and the section was passed.

Section 27 was read.

Mr. Humphries offered the following amendment :

After " on," in second line, insert " and for the speedy collection of the same against ;

Which, upon motion, was laid on the table.

Section 27 was then passed as read.

Section 28 was read and passed without amendment.

Section 29 was read and passed without amendment.

Section 30 was read.

Mr. Gibbs moved to strike out the section.

Mr. Love moved to lay the motion to strike out on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Goss, Green, Hatch, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Landrum, Lesley, Lewis, Love, Lutterloh, Mann, Maxwell, Milton, McClellan, McKinnon, Neel, Orman, Parker, Parsons, Paterson, Pelot, Randall of Duval, Randolph, Richard, Robertson, Sanchez, Scott, Sheats, Speer, Stone, Tedder, Tolbert, Tompkins, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—63.

Nays—Messrs. Baker, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Hausman, Mitchell, Thompson, Walker, Jr., Walter and Wellman—13.

So the motion to lay on the table was agreed to.

Mr. Randall, of Duval, offered to amend as follows :

After " marriages," in first line, insert " within this State ; "

Which was not agreed to.

The question was then upon the adoption of the section as amended ;

Which was agreed to, and the section was passed as amended.

Section 31 was read, and withdrawn by the committee.

Section 32 was read and passed without amendment.

Section 33 was read.

Mr. Mann moved to strike out the section ;



Which was agreed to, and the section was stricken out.

Section 34 was read.

Mr. Love moved that the consideration of section 34 be postponed for the present ;

Which was agreed to.

Mr. Paterson gave notice that he would move to reconsider the vote by which section 26 was passed.

Mr. Humphries offered the following additional section :

• ADDITIONAL SECTION TO ARTICLE XVI.

SECTION —. The Governor shall be empowered by the Legislature to appoint so many Notaries Public as to him shall seem necessary, who shall hold their office during the pleasure of the Governor, and shall use and exercise such office for such place and in such limits as the Governor shall direct, to whose protestation, attestation and other instrument of publication due credence shall be given ; *Provided*, That every Notary Public shall, previous to receiving his commission of office, pass an examination as to his qualifications for the office before a Board of Commissioners appointed by the Circuit Judge for such county, and shall be subject to such other regulations as may be provided by law.

Mr. Baker moved to lay the additional section on the table ;  
Which was agreed to.

Mr. Mann offered the following additional section :

SECTION —. All the public printing of the State of Florida shall be let out upon contract to the lowest responsible bidder under such regulations as the Legislature may provide.

Mr. Clarke, of Jefferson, moved to lay the additional section on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Carson, Clarke of Jefferson, Conover, Edge, Gillis, Henderson, Hope, Landrum, Lesley, Lutterloh, Maxwell, McClellan, Paterson, Randolph, Scott, Speer, Tedder, Wilson of Polk and Manatee, Wyly and Yonge—20

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carr, Challen, Chandler, Clark of Jackson, Cook, Davidson, Duncan, Fogarty, Fowler, Genovar, Gibbs, Goodbread, Goss, Green, Hatch, Hendley, Hicks, Hocker, Humphries, Hunter, Lewis, Mann, Marshall, Milton, Mitchell, McKinnon, Neel, Orman, Parker, Parsons, Pelot, Petty, Randall of Duval, Richard, Robertson, Sanchez, Sheats, Stone, Thomp-

son, Tolbert, Tompkins, Walker, Jr., Weeks, Wellman, Westcott and Wilson of Clay—57.

So the motion to lay on the table was not agreed to.

The question was upon the adoption of the additional section.

Mr. Orman offered the following amendment :

No member of the Legislature, or other public officer, shall be interested, either directly or indirectly, in any such contract ;

Which was accepted.

Mr. Yonge offered to amend as follows :

But this provision shall not affect the term of office of the present State Printer.

Mr. Mann moved to lay the amendment on the table ;

Which was agreed to.

Mr. Baker moved to amend as follows :

All public printing, both State and county.

Mr. Mann moved to lay the amendment on the table ;

Which was agreed to.

The question was again upon the adoption of the additional section as amended ;

Which was agreed to and the section was passed.

Mr. Blount offered the following additional section :

SECTION —. The Legislature shall provide for the election by the people, or appointment by the Governor, of all State and county officers, whose offices are not created by this Constitution ;

Which was withdrawn.

Mr. Randall, of Duval, offered the following additional section and asked that it be spread upon the Journal :

#### RELEASE TO RIPARIAN PROPRIETOR.

The State of Florida releases and grants to owners and to future grantees of the State or of the United States of lands bounded by any navigable stream or bay of the sea or harbor all the right, title and interest of the State in all lands covered by water at high tide, lying in front of any land so owned to the edge of the channel of such navigable stream or bay or harbor, and between the boundary lines of such owner extended in the direction of the channel from the points where the boundary lines strike the water at high water mark or high tide. But this release shall not authorize such grantee or owner in anywise to obstruct the channel, but full space

shall be left for the requirements of commerce; *Provided*, That nothing herein contained shall be construed to release the title of the State to any of the swamp or overflowed land within the State, but only to such owners whose lands are bounded by and extend to high water mark on such navigable streams, bays or harbors;

Which was read and ordered spread upon the Journal for consideration to-morrow.

Mr. Tolbert asked leave to introduce a resolution.

Mr. Sanchez moved to suspend the rules in order that the resolution may be read and passed.

The house refused to waive the rule, two-thirds not voting therefor.

Upon motion the Convention took a recess until 4 o'clock P. M.

#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk Manatee, Wyly and Yonge—97.

A quorum present.

Mr. Tolbert asked to have the following resolution, offered by him this morning, spread upon the Journal, and there being no objection it was so ordered:

*Whereas*, There appeared in the Jacksonville *Times-Union* of July the 18th, an editorial written doubtless under a *misapprehension* of the facts, making an untrue and dishonorable charge against a majority composed of sixty-three (63) members of this Convention, said majority composing a majority of the dominant party, in reference to a vote on a matter in which said majority of sixty-three members was arrayed against a minority of thirty-eight members, said minority composing a minority of the dominant party in this Convention to the effect that the vote of the said majority was cast with a motive improper and dishonorable; *and whereas*, it is due to all the members of this Convention and to its honor and dignity as a representative body of the people of the State of Florida that such charge should be publicly and emphatically refuted; therefore, be it

*Resolved*, That this Convention hereby publicly declares that the dishonorable charge imputed to a majority composed of 63 members of this Convention, which majority comprises a majority (45) of the dominant party in the Convention, by the editorial in the Jacksonville *Times-Union* of July 18th is without foundation in fact, and is utterly untrue.

Article —, on Militia, came up for consideration on its second reading.

Section 1 was read and passed without amendment.

Section 2 was read and passed without amendment.

Section 3 was read and passed without amendment.

Section 4 was read and passed without amendment.

Mr. Conover moved that the Article be engrossed for a third reading;

Which was agreed to.

Mr. Walter moved that the rule be waived, and that Article —, on Militia, be read a third time and put upon its passage;

Which was agreed to, over two-thirds voting in the affirmative.

Article —, on Militia, was then read a third time and put upon its final passage.

The yeas and nays were called.

The vote was:

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Conover, Cook, Davidson, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Landrum,



Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walter, Weeks, Westcott, Wilson of Clay, Wylly and Yonge—84.

Nays—Mr. Miller—1.

So the Article was passed as stated.

The additional section to the Declaration of Rights was read a third time and put upon its final passage.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Cook, Davidson, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Lewis, Love, Lutterloh, Marshall, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walter, Weeks, Westcott, Wilson of Clay, Wylly and Yonge—76.

Nays—Messrs. Baker, Chandler, Clarke of Jefferson, Conover, Gibbs, Hocker, Lesley, Malone, Miller and Mitchell—10.

So the additional section to the Declaration of Rights was passed, as stated, and ordered attached to Article IV, on Legislative Department.

The additional section to Article IV, on the Legislative Department, was read a third time and put upon its passage.

The yeas and nays were called.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Clarke of Jefferson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Marshall, Maxwell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder,



Tolbert, Turnbull, Wadsworth, Walter, Weeks, Wilson of Clay, Wyly and Yonge—73.

Nays—Mr. President, Messrs. Baker, Bell of Hamilton, Carr, Chandler, Conover, Fowler, Gibbs, Goss, Lesley, Miller, Mitchell, Thompson, Tompkins and Westcott—15.

So the additional section was passed as stated.

Article IX, on Education, came up for consideration on its third reading.

Mr. Baker moved that further consideration of Article IX be postponed for the present.

Mr. Bennett moved to lay the motion on the table ;  
Which was agreed to.

Article IX, on Education, was then read a third time.

Mr. Sheats moved to amend as follows :

Strike out "State Superintendent" and insert "Superintendent of Public Instruction ;"

Which was accepted.

Mr. Yonge offered to amend as follows :

Strike out in section 10 all down to and including "county," in 3d line, and insert the following: "The Legislature may provide for the division of any county or counties ;"

Which was agreed to, and the amendment was declared adopted.

Mr. Baker offered the following amendment to section 13 :

The State Agricultural College, the Seminaries, and other institutions of learning contemplated in this Article, shall be under the management and control of a Board of Trustees. Said Trustees shall be appointed by the Governor, with the advice and consent of the Senate, for the term of four years. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor and Superintendent of Public Instruction shall be *ex-officio* members of each of said Board of Trustees ;

Which was withdrawn.

Mr. Love offered the following amendment :

Strike out "three" in line 3 in section 8, and insert "one."

Mr. Carter moved to lay the amendment on the table  
The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bennett, Bethel, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hendley, Hocker, Humphries, Hunter, Johnston, Lesley, Lewis, Mar-

shall, Maxwell, Miller, Mitchell, Parkhill, Petty, Randall of Duval, Robertson, Rowe, Sanchez, Sheats, Thompson, Tolbert, Turnbull, Walker, Jr., and Walter—43.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Blount, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Edge, Goodbread, Green, Hatch, Hausman, Henderson, Hicks, Hope, Jones, Landrum, Love, Lutterloh, Malone, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Wadsworth, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—51.

So the motion to lay on the table was not agreed to.

The question was on the adoption of the amendment offered by Mr. Love.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Brevard and Dade, Blackburn, Blount, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Edge, Goodbread, Green, Hatch, Hausman, Henderson, Hicks, Hope, Jones, Landrum, Love, Malone, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Paterson, Randell of Madison, Richard, Scott, Speer, Stone, Swearingen, Tedder, Tompkins, Wadsworth, Weeks, Wilson of Clay and Wyly—44.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hendley, Humphries, Hunter, Johnston, Lesley, Lewis, Lutterloh, Marshall, Maxwell, Miller, Mitchell, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randolph, Robertson, Rowe, Sanchez, Sheats, Taylor, Thompson, Tolbert, Turnbull, Walter, Wellman and Wilson of Polk and Manatee—48.

So the amendment was not agreed to.

Mr. Miller offered the following amendment:

Add in 2d line, of section 9, before the word "all," the words "the net proceeds of;"

Which was accepted.

The question was upon adoption of the section be amended;

Which was agreed to, and the amendment was declared adopted.

Mr. Randell, of Madison, offered to amend as follows:

Strike out in lines 9 and 10 "or personal property," and insert "estate."

Mr. Carter moved to lay the amendment on the table ;  
Which was agreed to.

Article IX, on Education, was again read a third time and put upon its passage.

The yeas and nays were called.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Conover, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Hatch, Hendley, Hope, Humphries, Hunter, Johnston, Landrum, Lewis, Lutterloh, Marshall, Maxwell, Miller, Mitchell, McClellan, McKinnon, Parsons, Pelot, Petty, Randall of Duval, Randolph, Robertson, Sanchez, Sheats, Speer, Taylor, Thompson, Turnbull, Walter, Weeks, Wellman, Wilson of Polk and Manatee, Wyly and Yonge—59.

Nays—Messrs. Bell of Brevard and Dade, Blackburn, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Edge, Green, Hausman, Henderson, Hicks, Jones, Lesley, Love, Malone, Milton, Morgan, McCaskill, Neel, Odom, Orman, Parker, Parkhill, Paterson, Randell of Madison, Richard, Scott, Stone, Tedder, Wadsworth and Wilson of Clay—32.

So the Article was passed as stated.

Mr. Marshall offered the following additional section to Article on Miscellaneous Provisions, and asked that it be spread upon the Journal, which was agreed to :

The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State, and whenever the right of way to such water is required for any public purpose such right cannot be denied or curtailed, nor the free navigation of such waters destroyed or obstructed, and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall always be attainable for the people thereof.

Mr. Humphries offered a substitute for section 3, Article VIII, which was referred to the Committee on County, Township and City Organizations.

On motion of Mr. Chandler, the Convention adjourned until 9 o'clock A. M. to-morrow.

## THIRTY-FIFTH DAY.

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TUESDAY, JULY 21, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Lesley, Lewis, Love, Luterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—99.

A quorum present.

Prayer by the Chaplain.

Mr. Hatch moved to dispense with the reading of the Journal ;

Which was agreed to.

The Journal was corrected and approved.

The resolution relative to an editorial in the *Jacksonville Times-Union*, introduced by Mr. Tolbert, on yesterday, came up for consideration and was read.

Mr. Mann offered the following substitute :

*Whereas*, It is the sense of this body that the course of the *Times-Union* has been one of fairness and actuated by principle, while that of the *Jacksonville Herald* in its issues of the 17th and 18th of this month especially, has amounted to an outrage on this body, presenting a majority of the same before the peo-



ple of the State in a false and dishonorable light, making charges that have no foundation in fact, and this through their reporter on the ground, giving the appearance that the same was premeditated; therefore, be it

*Resolved*, That the *Times-Union* be requested to publish the facts and that this Convention denounce the course of the *Herald* as unjust and untrue.

Mr. Taylor moved to lay the original resolution and the substitute therefor on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Hicks, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Speer, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Westcott, Wyly and Yonge—65.

Nays—Messrs. Baker, Bell of Hamilton, Bush, Carson, Chandler, Fowler, Goodbread, Goss, Greeley, Hargret, Mann, Sanchez, Stone, Thompson, Tolbert, Tompkins and Wilson of Clay—17.

So the resolution and the substitute were laid upon the table.

Mr. Chandler moved that the resolutions and vote regarding the *Times-Union* and *Herald* be expunged from the Journal.

Mr. Maxwell moved to lay the motion on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bethel, Blount, Broome, Bush, Carter, Clarke of Jefferson, Coker, Cook, Earle, Edge, Fogarty, Gillis, Goodbread, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Mann, Maxwell, McCaskill, McClellan, Odom, Parker, Parkhill, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Weeks, Wellman and Westcott—61.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Carr, Challen, Chandler, Clark of Jackson, Conover, Davidson, Davis, Duncan, Fowler, Genovar, Gibbs, Hargret, Lesley,



Lewis, Marshall, Miller, Milton, Morgan, McKinnon, Neel, Orman, Parsons, Petty, Stone, Turnbull, Wadsworth, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—34.

So the motion to expunge was laid upon the table.

The roll of committees being called the following reports were submitted :

Mr. Yonge, Chairman of the Committee on County Township and City Organization, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 21, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on County, Township and City Organization, to whom was referred—

Resolution relating to a road tax and working the public roads, introduced by Mr. Walter, of Duval,

Beg leave to report that they have had the same under consideration and recommend that it be laid upon the table, the subject matter thereof being, in the opinion of your committee, a subject for legislation.

Very respectfully,

J. E. YONGE,  
Chairman of Committee.

Which was received, and the accompanying papers placed among the orders of the day.

Mr. Randell, of the Engrossment and Enrollment Committee, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 21, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article I, on Boundaries, and Article —, on Private Corporations,

Beg to report that they have compared and examined the same, and find them correctly engrossed.

Very respectfully,

THEODORE RANDELL,  
H. H. DUNCAN,  
W. F. THOMPSON,  
Committee.

Which was received, and the accompanying papers placed among the orders of the day.

Mr. Turnbull, Chairman of the Committee on Printing, offered the following report :

*Constitutional Convention of Florida :*

*To Dorr & Bowen, Dr.—For Printing.*

1885.	
July 20—To net amount of bill rendered July 7.....	\$2,912 03
July 10—By cash from State Treasurer.....	2,000 00—\$ 912 03
July 20—To printing Daily Journals from July 6th to 18th, inclusive, \$1,577 25, less 30 per cent., \$473 17.....	1,104 08
July 20—To miscellaneous printing, Articles, &c., from July 9th to 18th, inclusive, \$82 61, less 30 per cent., \$24 78.....	57 83
July 20—To 128 pages in book form, 225 to 352, inclusive, at \$1 15, \$147 20, less 30 per cent., \$44 16.....	103 04
Net amount due. ....	\$2,176 98

Which was read for information.

Article XIV, on Suffrage and Eligibility, was read the first time by its title and placed among the orders of the day for a second reading.

Mr. Landrum moved to reconsider the vote by which Article IX was passed on yesterday ;

Which was postponed until to-morrow.

Mr. Yonge, Chairman, asked leave for the Committee on County, Township and City Organization to sit during the session of the Convention ;

Which was granted.

Mr. Goss obtained leave and introduced the following :

ORDINANCE No. —. The Legislature may provide by law, at its first session under this Constitution, for submitting to the qualified electors of the State the question “ Shall the State be divided so that all the counties west of the Suwannee river, including Monroe county, be formed into a State known as West Florida, and all the counties east and south of said river be formed into a State known as Florida ? ” This Ordinance to be submitted as a separate Article to the electors of the State at the same time of submitting this Constitution for ratification and in the same manner, and on receiving a majority of the votes cast at said election it then becomes a part of this Constitution with all the force and effect of the Constitution. The Legislature in that event shall provide by law for the carrying into effect the provisions of this Ordinance.

Which was read, ordered spread upon the Journal and referred to the Committee on Census, Apportionment and Boundaries ;

The Convention resumed the consideration of Article XVI, on Miscellaneous Provisions.

Section 14 was read.

The following amendment, offered by Mr. Baker on yesterday, was taken up:

*Provided*, That any State or county officer may give the bond of any surety and fidelity company under such restrictions as may be provided by law.

Mr. Maxwell renewed the following amendment to the amendment, offered by him on yesterday:

Add to section 14 the words, "but any officer depositing with the State Comptroller any State or United States bonds, to be approved by such Comptroller, equal in amount to that of the bond required of him, shall not be required to give other than his personal bond, for which such deposit shall be held as security."

Mr. Love moved that the amendment and the amendment to the amendment be laid on the table.

The yeas and nays were called.

The vote was:

Yeas—Messrs. Bennett, Blackburn, Blount, Campbell, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Green, Hatch, Hendley, Henderson, Hocker, Hope, Johnston, Jones, Landrum, Love, Mahone, Marshall, Milton, Morgan, McCaskill, McClellan, McKinnon, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellmnn, Westcott, Wilson of Clay and Wylly—56.

Nays—Messrs. Baker, Bell of Hamilton, Broome, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Gillis, Goss, Greeley, Hargret, Hunter, Lesley, Lewis, Maxwell, Miller, Mitchell, Neel, Petty, Rowe, Thompson, Tompkins and Wilson of Polk and Manatee—25.

So the motion to lay on the table was agreed to.

Mr. Baker moved to indefinitely postpone section 14.

Mr. Love moved to lay the motion on the table;

Which was agreed to.

Mr. Love moved the adoption of Section 14, and called the previous question.

The previous question was ordered.

Section 14 was then passed as read.

Section 15 was read.

The following amendment offered by Mr. Hocker, on yesterday was pending :

Amend Section 15, Article XVI, by adding thereto after the word "duties," in the last line, the following: "And shall be recorded by order of the Comptroller in the respective counties of the said officers, and shall thereby become a lien in favor of the State, and the county, of any officer for any official indebtedness of said officers during their terms of office upon all the real estate which the principals in said bonds shall own in the State at the time of execution thereof, or shall own therein during the term of office of any of said principals, and shall continue to be a lien on said real estate superior to all exemptions and subsequent liens for one year after the expiration of the term of office of any such officer;"

Also the following substitute, offered by Mr. Landrum :

#### SUBSTITUTE FOR SECTION 15.

The official bonds of the Sheriffs and Clerks of the Circuit Courts shall be approved by the Circuit Judges or State Attorneys of the several Judicial Circuits of this State. The Assessors of Taxes and Collectors of Revenue of the several counties of this State shall be approved by the Board of County Commissioners of the several counties of this State, before such officers shall enter upon the discharge of their respective duties.

Mr. Maxwell moved to postpone further action on section 15 for the present ;

Which was agreed to.

Section 34 came up for consideration and was read.

A division of the question was called for and granted.

The question was on the salary of the Governor.

Mr. Orman moved to amend as follows :

Strike out in line 1 the words "thirty-five hundred," and insert "three thousand ;"

Which was not agreed to.

Mr. Sanchez moved the following amendment :

Strike out "3,500 " and insert "4,000 ;"

Which, upon motion, was laid on the table.

Mr. Swearingen moved the following amendment :

Strike out "thirty-five hundred," and insert "twenty-five hundred ;"

Which was laid upon the table.

The report of the committee fixing the salary of the Gov-

error at thirty-five hundred dollars per annum was then adopted.

The question was then upon the salary of the Comptroller.

The report of the committee fixing his salary at two thousand dollars per annum was adopted without amendment being offered.

The question was then upon the salary of the State Treasurer.

The report of the committee fixing his salary at two thousand dollars per annum was adopted.

The question was then upon the salary of the Secretary of State.

Mr. Randell, of Madison, offered to amend as follows :

In 3d line strike out “\$1,500” and insert “\$2,000;”

Which was not agreed to.

The report of the Committee fixing the salary of the Secretary of State at fifteen hundred dollars per annum was then adopted.

The question was then upon the salary of the Attorney-General.

Mr. Swearingen offered to amend as follows :

Strike out “fifteen hundred,” and insert “twelve hundred dollars” for Attorney-General.

Mr. Blount moved to amend the amendment as follows :

That the salary of the Attorney-General be fixed at two thousand dollars.

Mr. Swearingen moved to lay the amendment to the amendment on the table;

Which was agreed to.

The question was then upon the adoption of the amendment offered by Mr. Swearingen.

Mr. Hendley moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fowler, Genovar, Gibbs, Gillis, Greeley, Green, Hausman, Hendley, Hicks, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Speer, Stone, Taylor, Wadsworth, Walker, Jr., Weeks, Well-



man, Westcott, Wilson of Clay, Wilson of Polk and Manatee and Wyly—69.

Nays—Messrs. Baker, Carr, Carson, Chandler, Conover, Goodbread, Goss, Hargret, Hatch, Henderson, Lewis, Miller, Mitchell, Orman, Petty, Randall of Duval, Sanchez, Swearingen, Tedder and Thompson—20.

So the motion to lay on the table was agreed to.

The report of the Committee fixing the salary of the Attorney-General at fifteen hundred dollars per annum was then adopted.

The question was then upon the salary of the Commissioner of Agriculture.

Mr. Swearingen offered the following amendment:

Strike out "twelve hundred dollars for Commissioner of Agriculture," and insert "one thousand dollars."

Mr. Miller offered to amend the amendment as follows:

Strike out "twelve hundred dollars," and insert "six hundred dollars" in line 4, Section 34.

Mr. Bush moved to lay the amendment and the amendment to the amendment on the table;

Which was agreed to.

Mr. Blount moved to strike out "twelve hundred," and insert in lieu thereof "two thousand."

Mr. Swearingen moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bennett, Blackburn, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Davis, Duncan, Earle, Fowler, Genovar, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Hicks, Hope, Hunter, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Marshall, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Petty, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Tedder, Thompson, Turnbull, Wadsworth, Walter, Weeks, Wellman, Westcott, Wilson of Clay and Wyly—72.

Nays—Messrs. Blount, Broome, Bush, Cook, Davidson, Fogarty, Gillis, Humphries, Johnston, Lesley, Mann, Maxwell, Randall of Duval, Sheats, Taylor, Walker, Jr., Wilson of Polk and Manatee and Yonge—18.

So the motion to lay on the table was agreed to.

Mr. Bennett offered to amend as follows:

Strike out "twelve hundred" and insert "fifteen hundred."

Mr. Swearingen moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Walker, Jr., moved to reconsider the vote just taken.

Mr. Landrum moved the previous question.

The previous question was ordered.

The question was then upon the motion to reconsider ;  
Which was not agreed to.

Mr. Mann offered the following amendment :

Strike out "1,200," and make it to read "shall be \$2,000  
until the Legislature shall see fit to reduce the same."

Mr. McKinnon moved to lay the amendment on the table ;  
Which was agreed to.

The report of the committee fixing the salary of the Commissioner of Agriculture at twelve hundred dollars per annum was then adopted.

The question was then upon the salary of the Superintendent of Public Instruction.

Mr. Sheats offered the following amendment :

Strike out in the last line "twelve hundred," and insert  
"two thousand."

Mr. Maxwell moved the previous question.

The previous question was ordered.

The question was on the adoption of the amendment offered  
by Mr. Sheats.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bennett, Bethel, Blount, Broome, Carr, Challen, Candler, Cook Davidson, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hargret, Hocker, Hope, Humphries, Hunter, Lesley, Lewis, Mann, Marshall, Maxwell, McClellan, Parker, Pelot, Randall of Duval, Randolph, Sheats, Speer, Taylor, Thompson, Tompkins, Walter, Wellman, Wilson of Polk and Manatee, Wyly and Yonge—44.

Nays—Messrs. Blackburn, Bush, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Davis, Edge, Goodbread, Green, Hatch, Hausman, Hendley, Henderson, Hicks, Johnston, Jones, Love, Malone, Miller, Milton, Morgan, McCaskill, Neel, Orman, Parkhill, Parsons, Paterson, Petty, Randell of Madison, Richard, Scott, Stone, Swearingen, Tedder, Turnbull, Wadsworth, Walker, Jr., Weeks and Wilson of Clay—42.

So the amendment was adopted.

Mr. Orman offered the following amendment :

The Legislature may, at any time, by a two-third vote of each House, prescribe other and different salaries for any, or all, of the above officers, but no such change shall affect the officers then in commission.

Mr. Chandler moved to amend the amendment by striking out the words "two-thirds" and insert the word "majority" in lieu thereof.

Mr. Goss moved to lay the amendment and the amendment thereto on the table;

Which was agreed to.

Mr. Hicks offered the following amendment:

The Secretary of State shall be *ex-officio* Superintendent of Public Instruction and for his services as such Superintendent he shall have a salary of one thousand dollars.

Mr. Wylly moved to lay the amendment on the table;

Which was agreed to.

Mr. Taylor offered the following substitute:

The Legislature shall fix the salaries of the Governor, Comptroller, Secretary of State, State Treasurer, Attorney-General, Commissioner of Agriculture and Superintendent of Public Instruction. But the salary of the incumbents of any of said offices, shall never be increased or diminished during their term of office;

Which was withdrawn.

Mr. McClellan offered the following substitute for section 34:

The Legislature shall, at the first session thereof after the adoption of this Constitution, fix the salary of the Governor of the State, the Comptroller, the State Treasurer, the Secretary of State, the Attorney-General, the Commissioner of Agriculture, the Superintendent of Public Instruction, the salaries of the Judges of the Supreme and Circuit Courts, and when so fixed they shall be neither increased or diminished during the term for which said officers are elected or appointed.

Mr. Thompson offered the following amendment to the substitute:

Strike out "never be increased or diminished" and add "decreased or increased, at the discretion of the Legislature."

Upon motion, the amendment was laid upon the table.

Mr. McClellan moved the adoption of the substitute offered by him, and called the previous question.

The previous question was ordered.

The question was upon putting the substitute in place of the original section ;

Which was agreed to.

The question was then upon the adoption of the substitute.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bennett, Bethel, Blount, Broome, Coker, Conover, Cook, Davidson, Duncan, Earle, Fogarty-Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hausman, Hendley, Hocker, Hope, Humphries, Hunter, Johnston, Lesley, Lewis, Lutterloh, McClellan, Odom, Parker, Parsons, Pater-son, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Sanchez, Sheats, Speer, Taylor, Walker, Jr., Walter, Wellman, Wilson of Clay, Wilson of Polk and Manatee and Wyly—47.

Nays—Mr. President, Messrs. Blackburn, Campbell, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Davis, Edge, Goodbread, Green, Hargret, Hatch, Henderson, Hicks, Jones, Landrum, Love, Malone, Marshall, Miller, Milton, Mor- gan, McCaskill, McKinnon, Neel, Orman, Parkhill, Richard, Scott, Stone, Swearingen, Tedder, Thompson, Tompkins, Turn- bull, Wadsworth and Weeks—39.

So the substitute was agreed to.

Upon motion, the Convention took a recess until 4 o'clock P. M. to-day.

#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Con- over, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Hern- don, Hicks, Hocker, Hope, Humphries, Hunter, Ives, John- ston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone,

Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—98.

A quorum present.

Mr. Bell, of Hamilton, was granted a leave of absence on account of sickness in his family.

Messrs. Tolbert and Bell, of Brevard and Dade, were indefinitely excused.

Mr. McCaskill was also indefinitely excused.

The Convention resumed the consideration of Article XVI, on Miscellaneous Provisions.

The question was on the motion of Mr. Paterson to reconsider the vote by which section 26 was passed ;

Which was agreed to.

Mr. Paterson offered the following amendment :

At beginning of section 26 insert as follows, to-wit : " Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as *prima facie* evidence in the courts of this State without requiring the proof of the execution."

Mr. McClellan moved to recommit the section and amendments to the committee ;

Which was not agreed to.

The question was then upon the adoption of the amendment ;

Which was agreed to.

The question was then upon the adoption of the section as amended ;

Which was agreed to, and the section was declared passed.

The following additional section to Article XVI, offered by Mr. Marshall on yesterday, was read :

The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State, and whenever the right of way to such water is required for any public purpose such right cannot be denied or curtailed, nor the free navigation of such waters destroyed or obstructed, and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall always be attainable for the people thereof ;



Which was postponed for the present.

Mr. Challen offered the following additional sections to Article XVI :

The right of drainage and the means to procure it shall be promoted and protected, and the right of way through inferior lands for the drainage of superior by the direct as well as by the natural course shall be provided for and enforced; *Provided*, That the cost and damage of such easement may be assessed in proportion to benefit upon the lands of the parties applying for the same; and, *provided further*, That the owners of lands bearing the servitude shall be entitled to just compensation from the parties so applying.

The right to collect rates or compensation for the use of water supplies to any county, city or town, or the inhabitants thereof, is a franchise and cannot be exercised except by authority of and in the manner prescribed by law ;

Which were read, ordered spread upon the Journal and referred to the Committee on Miscellaneous Provisions.

Mr. Yonge, Chairman of the Committee on County, Township and City Organization, obtained leave, and made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 21, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee to whom was referred accompanying resolution Relating to Changing County Lines and Locating County Seats, introduced by Mr. Humphries, of Polk, beg leave to report that they have the same under consideration and have authorized its Chairman to offer certain amendments to the original report in accordance with the judgment of the committee upon Mr. Humphries' resolution.

Very respectfully,

J. E. YONGE,

Chairman Committee on County, Township and City Organization.

Which was received and placed among the orders of the day.

COUNTIES AND CITIES—SUBSTITUTE FOR SECTION 3, ARTICLE VIII. The Legislature shall have the power to and shall establish new counties and change county lines in every case in which a vote having been taken on the proposition at a general election it shall be found that two-thirds of the electors voting within the limits affected by the change shall have voted therefor. No new county shall be established containing less

than 400 square miles. The county seat of the altered or newly established county may be at such place as the electors may choose at the general election above mentioned in this section. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from county or counties, and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

Article —, on Private Corporations, was read a third time. Mr. Baker moved to strike out section 2.

Mr. McKinnon moved to lay the motion on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Edge, Fogarty, Genovar, Gillis, Goss, Green, Hatch, Herndon, Hicks, Hocker, Hunter, Jones, Landrum, Lutterloh, Malone, Marshall, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Pelot, Randall of Duval, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Stone, Swearingen, Turnbull, Wadsworth, Walker, Jr., Weeks, Westcott, Wilson of Clay, Wyllly, Yonge and Zipperer—59.

Nays—Messrs. Baker, Carr, Chandler, Conover, Davidson, Fowler, Gibbs, Goodbread, Greeley, Hargret, Hausman, Hendley, Henderson, Hope, Ives, Lesley, Lewis, Love, Mann, Maxwell, Miller, Parsons, Petty, Randell of Madison, Randolph, Taylor, Tedder, Thompson, Tompkins, Walter, Wellman and Wilson of Polk and Manatee—32.

So the motion to lay on the table was agreed to.

Mr. Baker offered the following amendment to section 2 :

Any railroad attorney, newspaper correspondent or persons holding passes for any other consideration shall surrender their passes upon being elected to the Legislature or any State office.

Mr. Marshall moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Miller offered the following amendment to section 2 :

*Provided, however, That this shall not apply to persons*

holding passes for other reasons than by virtue of any official position.

Mr. Marshall moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Lesley moved that Article No. —, on Private Corporations be put upon its passage, and moved the previous question.

The previous question was ordered.

The question was upon the final passage of the Article.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—80.

Nays—Messrs. Baker, Carr, Chandler, Conover, Davidson, Fowler, Gibbs, Greeley, Hargret, Hope, Humphries, Lewis, Miller, Mitchell, Paterson, Petty, Thompson, Tompkins, Walter and Westcott—21.

So the Article was passed as stated.

When Mr. Challen's name was called he voted aye, protesting as follows :

I vote for the Article on Private Corporations under protest, because I insist that it is incomplete and wholly insufficient for the accomplishment of the purposes for which the Article was or should have been intended, and request that this protest be entered upon the Journal.

Article VIII, on County, Township and City Organization, came up for consideration on its second reading.

Section 1 was read and adopted without amendment.

Section 2 was read and adopted without amendment.

Section 3 was read.

Mr. Parker offered to amend as follows :

Strike out the words "two-thirds" and insert in lieu thereof the word "majority" in line 2.

Mr. Green moved to lay the amendment on the table ;  
Which was not agreed to.

The question was then on the adoption of the amendment.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Blackburn, Blount, Broome, Bush, Carter, Challen, Cook, Davidson, Duncan, Fogarty, Fowler, Gillis, Goodbread, Goss, Greeley, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Landrum, Lutterloh, Mann, Marshall, Maxwell, Morgan, McClellan, Odom, Parker, Parsons, Pelot, Randall of Duval, Richard, Sanchez, Sheats, Speer, Stone, Taylor, Tompkins, Wadsworth, Walker, Jr., Walter, Weeks, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—54.

Nays—Messrs. Baker, Carr, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Davis, Edge, Genovar, Gibbs, Green, Hargret, Jones, Lesley, Lewis, Love, Malone, Miller, Milton, Mitchell, McKinnon, Neel, Orman, Parkhill, Paterson, Petty, Randell of Madison, Randolph, Robertson, Rowe, Scott, Swearingen, Tedder, Thompson, Turnbull and Wellman—37.

So the amendment was adopted.

Mr. Hocker moved to amend as follows :

Strike out all of section 3 down to “ every,” in 7th line, and insert in lieu thereof, “ the Legislature shall have power to establish new counties.”

Mr. Yonge moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Blackburn, Carr, Carson, Challen, Clark of Jackson, Coker, Conover, Davidson, Davis, Duncan, Edge, Fogarty, Fowler, Genovar, Gibbs, Green, Hargret, Hausman, Hendley, Herndon, Hicks, Humphries, Hunter, Jones, Lesley, Love, Malone, Mann, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randell of Madison, Richard, Robertson, Rowe, Sheats, Swearingen, Tompkins, Walker, Jr., Walter, Westcott, Wilson of Clay, Wyly and Yonge—56.

Nays—Messrs. Bennett, Blount, Broome, Bush, Carter, Chandler, Clarke of Jefferson, Cook, Duncan, Gillis, Goss, Greeley, Hatch, Henderson, Hocker, Hope, Ives, Johnston, Landrum, Lewis, Lutterloh, Marshall, Maxwell, Paterson, Randall of Duval, Randolph, Sanchez, Scott, Speer, Stone, Taylor, Tedder,



Thompson, Turnbull, Weeks, Wadsworth, Wellman, Wilson of Polk and Manatee and Zipperer—37.

So the motion to lay on the table was agreed to.

Mr. Humphries offered to amend as follows :

Strike out "any county or counties affected," in second line, and insert "the limits affected by the change."

Mr. Malone moved to lay the amendment on the table ;

Which was agreed to.

Mr. Duncan offered to amend as follows :

Section 3, line 2, after "electors," insert "of any portion of the county or counties to be formed into the proposed new county voting upon the proposition at a general election shall have voted therefor." Strike out balance of sentence ;

Which was not agreed to.

Mr. Yonge offered the following amendment :

Strike out "six," in lines 4 and 5, and insert "four."

Mr. Malone moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Blackburn, Blount, Broome, Campbell, Carr, Carson, Challen, Clark of Jackson, Coker, Conover, Davis, Edge, Genovar, Greeley, Green, Hargret, Henderson, Herndon, Hicks, Hope, Ives, Jones, Lesley, Lewis, Love, Malone, Milton, Mitchell, McClellan, McKinnon, Neel, Orman, Parkhill, Paterson, Pelot, Petty, Randolph, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Walker, Jr., and Wyly—47.

Nays—Messrs. Bennett, Bush, Carter, Chandler, Clarke of Jefferson, Cook, Davidson, Duncan, Fogarty, Fowler, Gillis, Goss, Hatch, Hendley, Hocker, Humphries, Hunter, Johnston, Landrum, Lutterloh, Mann, Marshall, Maxwell, Miller, Odom, Parker, Randall of Duval, Richard, Robertson, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walter, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Yonge and Zipperer—39.

So the motion to lay upon the table was agreed to.

Mr. Lesley offered to amend as follows :

Strike out in line three all after the word "therefore," to and including the word "miles," in fifth line.

Mr. Challen offered to amend the amendment as follows :

Strike out the sentence beginning in the fifth line and ending in the seventh line ;

Which was accepted by Mr. Lesley.



The question was then upon the motion to adopt the amendment as offered by Mr. Challen;

Which was agreed to.

The question was then upon the adoption of the amendment offered by Mr. Lesley;

Which was not agreed to.

Mr. Humphries moved to amend as follows:

In line five strike out all after "miles" to end of sentence, and insert, "When a new county shall be established the county seat thereof shall be located in such place as may be designated by a majority vote of the qualified electors of the new county;"

Which was adopted.

Upon motion of Mr. Mitchell the Convention adjourned until 9 o'clock A. M. to-morrow.

## THIRTY-SIXTH DAY.

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WEDNESDAY, JULY 22, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley Green, Hargret, Hatch, Hausman, Hendley, T. Anderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph Richard, Robertson, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—101.

A quorum present.

Prayer by the Chaplain.

Mr. Challen moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Randell made the follow motion :

I will on Thursday move a reconsideration of the vote by which the substitute offered by Mr. McClellan to Article XVI, section 34, was passed ;

Which was laid over until to-morrow.

Mr. Randolph offered the following resolution :

*Resolved*, That it is the sense of the people of the State of Florida, represented by their delegates in Convention assembled, that all transportation companies within the State do hereby issue orders recalling all passes issued to members of

the Legislature, Executive or Judicial departments of the government, for the year 1885, and to declare the same to be null and void ; and it is furthermore the sense of this Convention that no transportation company shall issue any free pass prior to the ratification of this Constitution ;

Which was read.

Mr. Randolph moved to suspend the rules so that the resolution may be acted on immediately ;

Which was not agreed to, and the resolution was laid over under the rule.

Mr. Randall, of Duval, submitted a memorial signed by T. J. Mott, President, and B. T. Allen, Secretary ;

Which was read.

The question was upon the spreading of the memorial on the Journal.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Blount, Broome, Bush, Campbell, Carr, Carson, Challen, Chandler, Coker, Conover, Cook, Davidson, Duncan, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Orman, Parker, Parkhill, Parsons, Pelot, Petty, Randall of Duval, Randolph, Richard, Robertson, Rowe, Sanchez, Sheats, Speer, Swearingen, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Weeks, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Yonge and Zipperer—81.

Nays—Messrs. Bethel, Clarke of Jefferson, Clark of Jackson, Davis, Earle, Hatch, Hausman, Malone, Odom, Pater-son, Randell of Madison, Scott, Stone, Taylor, Turnbull, Wadsworth and Wellman—17.

So the motion to spread upon the Journal was agreed to, and it was so ordered.

#### A SOLEMN PROTEST.

*To Mr. President and Members of the Constitutional Convention assembled :*

GENTLEMEN : A Convention of the working people of Jacksonville and vicinity was held on Friday evening, the 10th instant, at Livingston Hall, this city, for the purpose of considering the question of the capitation tax as a prerequisite to the exercise of the elective franchise.

In that meeting the sentiment was unanimous that such pro-

vision in the Constitution will not and cannot be productive of any good to the whole people; but, on the contrary, would work untold injury to the great majority of the people of the State—the working classes. It leads to a diabolical traffic in the elective franchise.

The sentiment of the meeting was favorable to a \$1 capitation tax, a rigid enforcement of its collection, and such part thereof applied to the Common School Fund as can be judiciously appropriated; but when the payment of such capitation tax is made a prerequisite to the ballot it looks too much like forcing a citizen of a reputed free country to buy the privilege of exercising his prerogatives as such: it savors too much of aristocracy and despotism, and is contrary to the spirit and genius of American institutions.

It was also the sentiment of the meeting that the objects which the friends of the provision desire can be accomplished by less arbitrary means, by holding officials to a strict accountability for their official conduct; deal with them rigidly but honestly according to the plain rules of the laws. By this means the people of the State can do more toward securing efficient and competent officials; it is the only effective means to accomplish so desirable an end.

It was further the sentiment of said Convention that (while it disapproved of relying upon and copying after the example of other and older States in any matter whatever, believing the people of Florida know their wants and are competent to provide for them) the representatives of the people, in Constitutional Convention assembled, should profit by the experience of such States as have adopted the capitation prerequisite. The attention of the Convention is respectfully called to the working of such a law in Georgia, in which State it has been the means of concentrating the duties and privileges of citizenship among a privileged class—those who can pay the tax without any effort. Such policy has served to pervert, though unwillingly, what should be a democracy into an aristocracy. Though in force but a few years, the great mass of the people have become dissatisfied with its unjust operations, and are calling for its repeal. In that State many persons abundantly able to pay the tax fail to do so for the avowed purpose of escaping the duties of citizenship. The attention of the Convention is respectfully called to the following excerpt from a Georgia paper, which will give it a vivid idea how the law works in that State:

“It is a mystery what becomes of citizens when they are needed for jury duty or to pay a poll tax. In such emergencies there is a tremendous shrinkage of population. The state-

ment is made that out of a population of 50,000 in Chatham county, only 1,200 appeared on the poll tax list of 1883, and 2,950 on the list of 1884. Jury duty has to be discharged by 296 grand jurors and less than 1,409 petit jurors. As there are probably 8,000 persons in the county liable to poll tax and jury duty, it will be seen that there is an opening for reform. Nor does this state of affairs exist in Chatham county alone. It exists to a greater or lesser extent in every county in the State. The manifest injustice of such a general shirking of the responsibilities of a civilized community should be remedied, if possible.—*Atlanta Constitution*.

Whereupon, the following resolutions were unanimously adopted by the Convention :

*Resolved*, That the President and Secretary of this meeting be instructed to reduce its sentiments to writing, in shape of a memorial, setting forth the views of the meeting, and earnestly protesting against the engrafting of such provision in the Constitution, preferring the adoption of a new fundamental law in lieu of the present unjust and radical one.

*Resolved*, That should the Convention ignore this protest, that the meeting, here assembled, pledges itself to use all its influence to secure its defeat.

*Resolved*, That a copy of this protest and resolutions be forwarded by the Secretary of this meeting to some member of the Convention known to be in sympathy with the sentiments of this meeting for presentation to the consideration of the Convention.

T. J. MOTT, President.

B. T. ALLEN, Secretary.

The roll of committees being called the following reports were submitted :

Mr. Carter, of the Committee on Education, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 22, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Education to whom was referred—  
Resolutions by Messrs. Sanchez, Marshall, Bush, Wylly, Sheats, Walker, Jr., Mann, Hendley, Landrum and Wilson, of Polk, report the same back with the recommendation that



they be laid upon the table, and that sections 14 and 15 hereby reported by the committee be adopted.

Very respectfully,

SYD. L. CARTER,  
A. PATERSON,  
N. T. SCOTT,  
W. N. SHEATS,  
C. W. LEWIS,  
H. W. CHANDLER,

Committee.

Which was received and placed among the orders of the day.

SECTION 14. The Legislature at its first session shall provide for the establishment, maintenance and management of such Normal Schools, not to exceed two, as the interests of public education may demand.

SECTION 15. The Legislature may make provision for the proper adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the citizens of the town of Ocala for the establishment of the East Florida Seminary in 1852, and conditional upon its location at the said town.

Mr. Johnston moved that the balance due Messrs. Dorr & Bowen, as shown by the report of the Committee on Printing on yesterday, be paid.

On motion of Mr. Swearingen, the motion was passed over for the present.

Mr. Mann offered the following resolution :

*Resolved*, That any attache or clerk of this body who may have been discharged and not paid shall be considered in the employ of this body until paid.

Mr. Mann moved that the rules be suspended and that the resolution be immediately considered ;

Which was not agreed to, and the resolution was laid over under the rules.

The consideration of Article VIII, on Counties and Cities, was resumed.

Section 3, as far as amended, was read.

Mr. Maxwell asked leave to introduce the following resolution :

That Articles and Ordinances as they are adopted be printed for the use of the Committee on Style and Arrangement, and be referred to that committee ;

Which was granted, and the resolution was adopted.

Mr. Weeks offered the following amendment to section 3, Article VIII :

Strike out "six hundred," in 4th and 5th lines, and insert "four hundred and fifty;"

Which was not agreed to.

Mr. Marshall moved to reconsider the vote by which the amendment offered by Mr. Duncan on yesterday, to amend section 3, Article VIII, was lost;

Which was agreed to.

Mr. Duncan then renewed his amendment as follows:

Section 3, line 2, after "electors," insert "of any portion of the county or counties to be formed into the proposed new county voting upon the proposition at a general election shall have voted therefor." Strike out balance of sentence.

The question was on the adoption of the amendment.

Mr. Blount offered to amend the amendment as follows:

Amend the amendment by striking out the words "voting upon the proposition at a general election."

The question was on the adoption of the amendment;

Which was accepted by Mr. Duncan, who changed his amendment so as to conform with the amendment as amended as follows:

Section 3, line 2, after "electors of any portion of the county or counties to be formed into the proposed new county shall have voted therefor," and strike out the rest of the section;

Which was agreed to.

Mr. Maxwell offered to amend as follows:

Add after "rules," in line 5, "nor shall any new county be established in which there are less than five hundred registered voters, nor shall any county be reduced to less than that number."

Mr. Parker moved to lay the amendment on the table;

Which was not agreed to.

Mr. Gillis moved the adoption of the amendment offered by Mr. Maxwell, and called the previous question.

The previous question was ordered.

The amendment was then adopted.

Mr. Sheats moved to reconsider the vote by which the word "majority" was inserted in place of the words "two-thirds" on yesterday;

Which, upon motion, was laid upon the table.

Mr. Wilson gave notice that he would on to-morrow move to reconsider the vote by which the amendment offered by Mr. Maxwell adding after the word "miles," in line 5, "nor shall any county be established in which there are less than five

hundred registered voters, nor shall any county be reduced to less than that number."

Mr. Malone gave notice that he would move a reconsideration of the vote by which the following section to Article XVI was passed, on yesterday :

At beginning of section 26 insert as follows, to-wit : "Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as *prima facie* evidence in the courts of this State without requiring the proof of the execution."

Mr. Parsons moved to amend section 3, Article VIII, as follows :

*Provided*, That the Legislature may immediately divide Monroe, Dade and Brevard counties without regard to the number of registered voters.

Mr. Bethel moved to lay the amendment on the table ;

Which was agreed to.

Mr. Blount moved to reconsider the vote by which the following amendment to section 3, Article VIII, offered by Mr. Hocker, was lost, on yesterday :

Strike out all of section 3 down to "every," in 7th line, and insert in lieu thereof, "the Legislature shall have power to establish new counties ;"

Which was agreed to and the vote was reconsidered.

The question was then upon the adoption of the amendment.

Mr. Blount offered to amend the amendment by adding "and to change county lines ;"

Which was accepted by Mr. Hocker.

The question was then upon the adoption of the amendment as amended ;

Which was agreed to.

Mr. Lesley offered the following substitute for Section 3, Article VIII :

The Legislature shall have the power to, and shall establish, new counties and change county lines in every case in which a majority of the qualified electors of any county or counties created thereby voting upon the proposition at a general election shall have voted therefor. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from county or counties, and every county acquiring

additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

Mr. Johnston moved to lay the substitute on the table ;  
Which was agreed to.

Mr. Taylor offered the following substitute for section 3, Article VIII :

SEC. 3. The Legislature shall have power to and shall establish new counties whenever the electors of any area of territory containing at least six hundred square miles, and five hundred qualified electors shall, by a majority vote of the electors within such territory, shall have voted at any general election for the formation of such new county. No new county shall be established containing an area of less than six hundred square miles and less than five hundred qualified electors. Every newly established county shall be held liable for its proportion of the indebtedness of the county or counties from which the territory composing such new county was taken, existing at the time of the formation of such new county, rated upon the basis of the assessed value of all property subject to taxation within the territory taken from such county or counties ; and every county acquiring additional territory from another county shall be liable for its proportion of the liabilities of such county from which such territory was taken, existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory. The Legislature shall also have power to change county lines, but the boundary lines of no county shall be so changed or interfered with as to run within less than ten miles of any established county site.

Mr. Parker moved to lay the substitute on the table ;  
Which was agreed to.

Mr. Malone offered to amend as follows :

*Provided*, That in no case shall any new county hereafter organized be entitled to separate representation in the Legislature until such county or counties shall have 500 legally qualified voters.

The question was upon the adoption of the amendment offered by Mr. Malone ;

Which was not agreed to.

Mr. Maxwell moved that section 3, Article VIII, be adopted as amended, and moved the previous question.

The previous question was ordered.

Section 3 was adopted as amended.

Section 4 was read.

Mr. Neel offered to amend as follows :

Strike out "two-thirds" in lines 2 and 3, and insert "a majority." Strike out "eight" in line 4, and insert "ten."

Mr. Carter moved to lay the amendment on the table ;

Which was not agreed to.

The question was then upon the adoption of the amendment ;

Which was agreed to, and the amendment was adopted.

Mr. Broome offered the following amendment :

Strike out "the," in line 2, and insert "such," and strike out all after "removal," in second line ;

Which was adopted.

Mr. Randolph offered the following amendment :

*Provided*, That in the formation of new counties the county seat may be temporarily located by law ;

Which was adopted.

The question was then upon the adoption of the section as amended ;

Which was agreed to, and the section was declared adopted as amended.

The following additional section was read :

SECTION —. There shall be appointed by the Governor, by and with the consent of the Senate, in and for each county, five County Commissioners. Their terms of office shall be four years, and their powers, duties and compensation shall be prescribed by law.

Mr. Walter moved to lay the section on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Blackburn, Bush, Carson, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hicks, Hunter, Landrum, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Parker, Petty, Randall of Duval, Robertson, Rowe, Sheats, Thompson, Tolbert, Tompkins, Walter, Wilson of Polk and Manatee and Zipperer—37.

Nays—Mr. President, Messrs. Bennett, Bethel, Blount, Broome, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Hatch, Hausman, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Johnston, Jones, Love, Lutterloh,



Malone, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Walker, Jr., Weeks, Wilson of Clay, Wyly and Yonge—56.

So the motion to lay upon the table was not agreed to.

The question was upon the adoption of the additional section.

Mr. Swearingen moved to amend by striking out the words "four years" and insert "two years;"

Which was accepted and agreed to.

Mr. Walter offered the following substitute for the additional section :

The Board of County Commissioners of each county shall consist of five members, but at the election held for choosing the same, there shall not appear upon any one ballot the name of more than three persons voted for for said office, and upon a canvass of the votes the five persons receiving the greatest number of votes shall be declared elected, and shall constitute said Board.

Mr. Coker moved to lay the substitute on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Hatch, Hausman, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—64.

Nays—Messrs. Broome, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hicks, Hunter, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Petty Randall of Duval, Rowe, Thompson, Tolbert, Tompkins, Walker, Jr., Walter and Zipperer—30.

So the motion to lay the substitute on the table was agreed to.

Mr. Baker gave notice, that he would on to-morrow, move to reconsider the vote just taken.

Mr. Hocker offered to amend the additional section by adding as follows :

The Legislature shall provide for the division of each county into five districts, and one County Commissioner shall be selected from each of such districts.

The question was upon the adoption of the amendment.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Broome, Bush, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Conover, Cook, Davidson, Davis, Duncan, Fogarty, Genovar, Gillis, Goodbread, Green, Hausman, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lesley, Lutterloh, Mann, Marshall, Morgan, Odom, Parker, Parkhill, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rowe, Scott, Sheats, Speer, Taylor, Tedder, Tolbert, Tompkins; Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—61.

Nays—Messrs. Baker, Blount, Campbell, Carr, Clark of Jackson, Coker, Edge, Fowler, Gibbs, Goss, Greeley, Hargret, Hatch, Henderson, Herndon, Hicks, Landrum, Lewis, Malone, Maxwell, Miller, Milton, Mitchell, McClellan, McKinnon, Neel, Orman, Parsons, Petty, Robertson, Stone, Swearingen and Thompson—32.

So the amendment was agreed to.

On motion of Mr. Mann Mr. Eugene Hawkins, page, was excused on account of sickness.

Mr. Walker moved to reconsider the vote just taken.

Mr. Walker withdrew the motion to reconsider and gave notice that he would, on to-morrow, move to reconsider the vote.

Mr. Malone moved that the section as amended be adopted, and moved the previous question.

The question was, "Shall the main question be now put?"

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blount, Broome, Campbell, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Lesley, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Richard, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee and Wyly—58.

Nays—Messrs. Baker, Bell of Brevard and Dade, Blackburn, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley Green, Hargret, Hatch, Ives, Landrum, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Parker, Petty, Randall of Duval, Randolph, Robertson, Rowe, Sheats, Thompson, Tolbert, Walker, Jr., Walter, Yonge and Zipperer—37.

So the previous question was ordered.

The question was then upon the adoption of the section as amended.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bennett, Bethel, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Fogarty, Genovar, Gillis, Hausman, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Johnston, Jones, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wyly and Yonge—57.

Nays—Messrs. Bell of Brevard and Dade, Blackburn, Bush, Campbell, Carr, Challen, Chandler, Conover, Earle, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hicks, Hunter, Landrum, Lesley, Lewis, Mann, Mitchell, McKinnon, Neel, Parker, Petty, Randall of Duval, Robertson, Rowe, Sheats, Thompson, Tolbert, Walker, Jr., Walter, Wilson of Polk and Manatee and Zipperer—38.

So the section was adopted.

On motion, the Convention was adjourned until 4 o'clock P. M. to-day.

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#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter,

Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—98.

A quorum present.

The consideration of Article VIII, on Counties and Cities, was resumed.

Mr. Baker moved to reconsider the vote by which the additional section was adopted.

Mr. Yonge moved to lay the motion to reconsider on the table;

Which was agreed to.

Section 5 was read.

Mr. Yonge moved to amend as follows :

Strike out in line 4 the words "five County Commissioners ;"

Which was agreed to.

Mr. Bennett moved to amend as follows :

Strike out the words "a Board of Public Instruction to consist of five members," from the 5th and 6th lines."

Mr. Yonge moved to lay the amendment on the table ;

Which was not agreed to.

The question was upon the adoption of the amendment.

Mr. Yonge offered the following amendment to the amendment :

Insert after "Surveyor," in 6th line, section 6, Article 8. "but the Legislature may in any county or counties devolve the duties of the Board of Public Instruction upon the Board of County Commissioners."

Mr. Oliveros moved to lay the amendment to the amendment on the table ;

Which was agreed to.

The question was then on the amendment offered by Mr. Bennett.

Mr. Sheats moved to indefinitely postpone the amendment. The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bethel, Broome, Carter, Carr, Carson, Cook, Davidson, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hicks, Hunter, Johnston, Lewis, Mitchell, Neel, Oliveros, Paterson, Randall of Duval, Randolph, Richard, Rogers, Sanchez, Sheats, Swearingen, Taylor, Thompson, Tolbert, Weeks, Wellman, Westcott, Wilson of Clay, and Yonge—40.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bennett, Blackburn, Blount, Campbell, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Davis, Duncan, Edge, Goodbread, Hatch, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Maxwell, Miller, Milton, Morgan, McClellan, Odom, Orman, Parker, Parkhill, Parsons, Pelot, Randell of Madison, Robertson, Rowe, Scott, Speer, Stone, Tedder, Tompkins, Turnbull, Wadsworth, Wilson of Clay, Wyly and Zipperer—54.

So the motion to indefinitely postpone was not agreed to.

Mr. Bennett then moved to adopt the amendment, and called the previous question.

The previous question was ordered.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Blackburn, Blount, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Duncan, Edge, Goodbread, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Jones, Landrum, Love, Lutterloh, Malore, Marshall, Maxwell, Miller, Milton, Morgan, McClellan, Odom, Orman, Parker, Parkhill, Parsons, Pelot, Randell of Madison, Robertson, Scott, Speer, Stone, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Wilson of Polk and Manatee, Wyly and Zipperer—53.

Nays—Mr. President, Messrs. Bethel, Broome, Carter, Carr, Challen, Chandler, Conover, Cook, Davidson, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hunter, Johnston, Lesley, Lewis, Mitchell, Neel, Oliveros, Paterson, Randall of Duval, Randolph, Richard, Rogers, Rowe, Sanchez, Sheats, Swearingen, Taylor, Thompson, Walker, Jr., Walter, Weeks, Westcott, Wilson of Clay and Yonge—44.

So the amendment was agreed to.

Mr. Yonge moved to amend as follows :



Strike out all between the word "Sheriff," on line two, and the words "a County Assessor," on line four, and insert "such Constables as are provided in this Constitution ;"

Which was adopted.

Mr. Swearingen offered to amend as follows :

In seventh line strike out "four," and insert "two years."

Mr. Yonge offered the following substitute for the amendment :

Insert after "officers," in sixth line, "mentioned in this section shall be four years."

Mr. Johnston moved to lay the substitute for the amendment on the table ;

Which was not agreed to.

The question was on the adoption of the substitute ;

Which was agreed to, and the substitute for the amendment was declared adopted.

Mr. Carter offered the following amendment :

Insert in second line after the word "Sheriff" who shall be *ex-officio* Tax Collector," and strike out in line 4 the words "a Tax Collector."

Mr. Speer moved to lay the amendment on the table ;

Which was agreed to.

Mr. Mitchell offered the following amendment :

In section 5, line 1, strike out the words "election by the qualified electors," and insert the words "appointment by the Governor."

Mr. Clarke, of Jefferson, moved to lay the amendment on the table ;

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wyly, Yonge and Zipperer—81.

Nays—Messrs. Baker, Carr, Challen, Chandler, Conover, Goss, Lesley, Miller, Mitchell and Thompson—10.

So the motion to lay upon the table was agreed to.

Mr. Turnbull moved the adoption of the section as amended and moved the previous question.

The previous question was ordered.

The section as amended was then adopted.

On motion of Mr. Walker, Jr., Associate Justice Raney and State Treasurer Crill were invited to seats within the bar.

On motion of Mr. Yonge, Mr. Fries, of Pensacola, was invited to a seat within the bar.

Section 6 was read.

Mr. Orman moved to amend as follows :

Strike out all of section down to "law," in line 4, and in line 4 the words "except assistant tax assessors of taxes."

Mr. Rogers moved to lay the amendment on the table ;

Which was agreed to.

Mr. Campbell moved to amend as follows :

Strike out "County Judge," in eighth line, and insert "County Commissioners ;"

Which was agreed to, and the amendment was declared adopted.

Mr. Ives moved to amend as follows :

Strike out in 9th line "the Governor and Attorney-General ;"

Which was agreed to and the amendment was declared adopted.

Mr. Sanchez offered to amend as follows :

Strike out all the section down to "their " in 5th line, and insert "the ;" strike out "office " and insert "officers," and insert "shall " between "officers " and "be."

Mr. Rogers moved to lay the amendment on the table ;

Which was agreed to.

Mr. Gillis offered the following substitute :

The Legislature shall by law authorize the County Commissioners of the several counties to divide their respective counties into taxation districts, and the qualified electors in each of said taxation districts may elect two free-holders in said district, who, with the Tax Assessor of the county, shall form a Board of Tax Commissioners for the Assessment of Property in said Tax District. Adopt balance of section 6 after word law in 4th line ;

Which, upon motion, was laid upon the table.

Mr. Henderson moved to amend as follows :

Strike out all of section 6 in Article 8 ;

Which, upon motion, was laid upon the table.

Mr. Orman offered the following amendment :

Insert in line 2 after the word " counties " the words " if they deem it necessary for the proper assessment of taxes ; "

Which, upon motion, was laid upon the table.

Mr. Parkhill moved that section 6 be adopted, and moved the previous question.

The previous question was ordered.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Gibbs, Greeley, Hausman, Herndon, Hocker, Humphries, Hunter, Ives, Jones, Love, Lutterloh, Malone, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Parkhill, Pater-son, Pelot, Randell of Madison, Randolph, Richard, Rogers, Scott, Sheats, Speer, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—55.

Nays—Messrs. Baker, Carter, Carr, Chandler, Conover, Fowler, Genovar, Gillis, Goodbread, Goss, Green, Hargret, Hatch, Hendley, Henderson, Hicks, Hope, Landrum, Lesley, Lewis, Miller, Mitchell, McKinnon, Neel, Oliveros, Orman, Parker, Parsons, Robertson, Rowe, Sanchez, Stone, Tedder, Thompson, Tompkins, Walker, Jr., and Westcott—36.

So the section was adopted.

Section 7 was read.

Mr. Baker moved to strike out the section.

Mr. Bethel moved to lay the motion to strike out on the table ;

Which was agreed to.

Mr. Mitchell moved to amend as follows :

Strike out the words " and to abolish " in 1st line and strike out all after the word " powers " in 2d line.

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to.

On motion of Mr. Walker, Jr., the Convention was adjourned until 9 o'clock A. M. to-morrow.

## THIRTY-SEVENTH DAY.

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THURSDAY, JULY 23, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—104.

A quorum present.

Prayer by the Chaplain.

Mr. Maxwell arose and made the following announcement and remarks :

*Mr. President :*

Within the last hour or two the wires have brought the sad intelligence of the death of General U. S. Grant. This event will cause profound emotion not only in every household of America, but will thrill the pulsations of such emotion throughout the civilized world. His life has impressed itself upon history as that of one of its immortal heroes. His career as a civilian lifted him high aloft as one of the most conspicuous citizens of his country. The death of such a man calls for something more than the ordinary expressions of grief and sympathy ; and, to emphasize the

distinction, I move that the Convention do now adjourn till to-morrow morning.

Mr. Challen offered the following resolution :

*Resolved*, That the sad news of the death of the illustrious hero, General U. S. Grant, should meet with most respectful and sincere consideration by the delegates to the Constitutional Convention of Florida here assembled, and to express the sense of this body that a committee of five delegates be appointed to prepare suitable resolutions to be reported at the next session of the Convention ;

Which was agreed to, and the President appointed Messrs. McClellan, Challen, Maxwell, Bethel and Walker, Jr., as such committee.

Mr. Bethel moved that the flag over the Capitol be lowered to half mast until after the funeral ;

Which was so ordered.

The Convention then adjourned until 9 o'clock A. M. to-morrow.

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## THIRTY-EIGHTH DAY.

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FRIDAY, JULY 24, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel,



Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—103.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal of the last two days be dispensed with ;

Which was agreed to.

The Journals of the last two days were corrected and approved.

Mr. McClellan, Chairman of the Special Committee, offered the following report :

*Resolved by the people of Florida, in Constitutional Convention assembled,* That we have heard of the death of General Ulysses S. Grant with the deepest sorrow ; that his time, the most eventful in this country's history, brought him forth a historic character, who as civilian, soldier and statesman has commanded the attention and admiration, not only of this Republic but of every civilized nation. His achievements in war and in peace have filled the world with his praise ; that his greatness does not belong to any section of his country. He struggled in war to preserve the Union of the States, in peace to maintain the Union in the hearts of the whole people ; that we tender the family of the illustrious, dead our sincere sympathy and condolence ; that a copy of these resolutions be entered upon our Journal, engrossed and forwarded to Mrs. Grant and supplied to the public press.

J. F. McCLELLAN,  
JAMES R. CHALLEN,  
A. E. MAXWELL,  
L. W. BETHEL,  
DAVID S. WALKER, Jr.

Which was read.

Mr. Yonge offered the following amendment to rule 19 :

When a motion for the reconsideration of a vote by which an article, section or ordinance has been adopted or lost on its second reading, or passed or lost on its third reading, is made, it shall be placed among the orders of the day, and shall not be acted upon the same day it is offered, except upon the last day of the session.

A motion to reconsider and to lay the motion to reconsider

upon the table shall not apply to the vote by which any article, section or ordinance has been passed from its second reading or disposed of on its third reading.

A second motion to reconsider shall be entertained only as to the vote upon the final passage on the third reading, or the disposition on the second reading of an article, section or ordinance, and in these cases only by consent of a majority of the members of the Convention;

Which was read and laid over under the rules.

Mr. Blount offered the following amendment to Rule 17:

*Resolved*, That the first sentence of Rule 17 be amended so as to read "on all questions and motions (except such as are embraced in Rule 24) the President shall take the sense of the House by yeas and nays, provided that one-fifth of all the members of the Convention shall so require;"

Which was read.

Mr. Blount moved to waive the rules so that the amendment might be immediately considered.

The question was upon the suspension of the rules.

The yeas and nays were called.

The vote was:

Yeas—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carter, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gibbs, Gillis, Green, Hargret, Hatch, Hausman, Hendley, Herndon, Hocker, Hope, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Sanchez, Scott, Sheats, Speer, Stone, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—79.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bush, Carr, Carson, Challen, Fowler, Goodbread, Goss, Greeley, Hicks, Hunter, Lewis, Mitchell, Petty, Rowe, Thompson, Walker, Jr., and Zipperer—19.

So the motion to suspend the rules was agreed to.

The question was then upon the consideration of the adoption of the amendment to rule 17.

Mr. Chandler moved to amend as follows:

Strike out "one-fifth" and insert "fourteen;"

Which was accepted.

Mr. Walker, Jr., moved the adoption of the amendment as amended, and called the previous question.

The previous question was ordered.

The question was then upon the adoption of the amendment as amended.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carson, Chandler, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gibbs, Gillis, Goodbread, Green, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Jones, Landrum, Love, Litterloh, Marshall, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—74.

Nays—Messrs. Baker, Carter, Carr, Challen, Clarke of Jefferson, Conover, Fowler, Goss, Greeley, Hargret, Lesley, Lewis, Malone, Mann, Miller, Mitchell, Petty, Rowe, Sheats, Thompson, Tompkins, Walker, Jr., and Walter—23.

So the amendment, as amended, was adopted.

Mr. Greeley offered the following resolution :

*Resolved*, That a committee of five be appointed to make the necessary arrangements for memorial service at the Capitol, on the day and hour when the funeral of the lamented General U. S. Grant shall take place, and that said committee be authorized to invite some minister of the Gospel to deliver an oration on the occasion ;

Which was adopted.

The President appointed the following gentlemen as such committee :

Messrs. Maxwell, Greeley, Broome, Conover and Bethel.

Mr. Conover moved that the President be added to said committee.

Which was agreed to.

The following resolution, offered by Mr. Randolph, on yesterday, came up for consideration :

*Resolved*, That it is the sense of the people of the State of Florida, represented by their delegates in Convention assembled, that all transportation companies within the State do

hereby issue orders recalling all passes issued to members of the Legislature, Executive or Judicial departments of the government, for the year 1885, and to declare the same to be null and void ; and it is furthermore the sense of this Convention that no transportation company shall issue any free pass prior to the ratification of this Constitution.

Mr. Baker moved to lay the resolution on the table ;

Which was agreed to, and the resolution was laid on the table.

The following resolution, offered by Mr. Mann on yesterday, came up for consideration :

*Resolved*, That any attache or clerk of this body who may have been discharged and not paid shall be considered in the employ of this body until paid ;

Which upon motion was laid on the table.

Mr. Greeley offered the following new section to Article VIII :

The Governor shall not appoint more than three members of one political party on any Board of County Commissioners in the State ;

Which was referred to the Committee on County, Township and City Organization.

Mr. Walker, Jr., offered the following new section to Article —, on Miscellaneous Provisions.

#### PRIVATE PROPERTY, HOW TAKEN FOR PUBLIC USE.

SECTION —. No private property of persons or corporations shall be taken nor damaged for public use in the construction of railroads, canals, or if taken for other purposes, under chartered rights, without just compensation to be paid for the same.

When such compensation is not made by the State then the value of such real estate or other property or rights so taken, with damages, if any have accrued, shall be ascertained by action at law, and summary proceedings, to be had in a court of record having jurisdiction, and to be tried by commissioners of three house-holders, or by a jury, if demanded by the owner, in or out of term time, and the findings and amount to be paid by the corporation benefited shall be filed in the clerk's office of such court, and if no exceptions be filed against such findings and amount, a final judgment as by confession shall immediately be entered for the amount so found, with costs of such proceedings. In case the court sustains the exceptions so filed the court may order such further



and speedy proceedings as shall secure justice to the respective parties, and from the final judgment so rendered there shall be no appeal.

Immediately from the entry of such final judgment and payment of the same the titles in fee simple to the lands and other property and rights embraced in such adjudications shall vest in such corporation entitled to the same, and satisfaction of such judgment with description, the property shall be entered in the record of such action.

Every railroad or canal corporation may examine, survey and locate its route, and immediately thereafter commence the construction, before the title to private or corporation lands or other property, shall be obtained as provided in this section, and it shall not be liable for actions in trespass or restrained by injunction for so doing, but the court in which such proceedings for title and for compensation shall be commenced may make such orders for the payment into court of sufficient money during the pending of the action as security for such real damages as may be really occasioned, and to be embraced in the final judgment.

The Legislature shall enact a general law embracing fully the provisions of this section ;

Which was referred to the Committee on Miscellaneous Provisions.

The roll of committees being called the following reports were submitted :

Mr. McClellan, Chairman of the Committee on Census and Apportionment, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Census and Apportionment, to whom was referred—

Many Resolutions and Articles relating to the subject matter for which your committee was constituted, have fully considered the same. Your committee, after much deliberation, have reached a conclusion which they herewith return in the form of an Article for the consideration of the Convention. Your committee met with many difficulties in determining the basis upon which to base representation, but finally determined to make the vote cast at the general election in 1884 as the basis of its action. The committee have reduced the numbers of the members of the Senate and House of Representatives to one hundred members, Senators thirty-two and Representa-



tives sixty-eight. While many may be desirous of having a Legislative body of a less number, yet when it is considered that the State is growing rapidly the number is not too large. The Article is herewith submitted. The resolutions and other papers before the committee are herewith returned.

Very respectfully,

J. F. McCLELLAN,

Chairman of Committee.

Which was received, and placed among the orders of the day.

## ARTICLE XIII.

### CENSUS AND APPORTIONMENT.

SECTION 1. The apportionment for the House of Representatives shall be as follows: Alachua county shall have three (3) Representatives; Baker, one (1); Bradford, two (2); Brevard, one (1); Calhoun, one (1); Clay, one (1); Columbia, two (2); Dade, one (1); Duval, three (3); Escambia, three (3); Franklin, one (1); Gadsden, two (2); Hamilton, two (2); Hernando, two (2); Hillsborough, two (2); Holmes, one (1); Jackson, two (2); Jefferson, two (2); Lafayette, one (1); Leon, three (3); Levy, one (1); Liberty, one (1); Madison, two (2); Manatee, one (1); Marion, three (3); Monroe two (2); Nassau, two (2); Orange, three (3); Polk, one (1); Putnam, two (2); St. Johns, two (2); Santa Rosa, two (2); Sumter, two (2); Suwanee, two (2); Taylor, one (1); Volusia, two (2); Wakulla, one (1); Walton, one (1); Washington, one (1).

SEC. 2. There shall be thirty-two Senatorial Districts, each entitled to one Senator, which Districts shall be designated by their respective numbers, from one to thirty-two inclusive, as follows: The First Senatorial District shall be composed of Escambia county, the Second of Santa Rosa, the Third of Jackson, the Fourth of Washington and Holmes, the Fifth of Calhoun and Franklin, the Sixth of Gadsden, the Seventh of Liberty and Wakulla, the Eighth of Leon, the Ninth of Jefferson, the Tenth of Madison, the Eleventh of Hamilton, the Twelfth of Taylor and Lafayette, the Thirteenth of Alachua, the Fourteenth of Columbia, the Fifteenth of Bradford, the Sixteenth of Nassau, the Seventeenth of Putnam, the Eighteenth of Duval, the Nineteenth of Marion, the Twentieth of Orange, the Twenty-first of Dade and Brevard, the Twenty-second of Hernando, the Twenty-third of Sumter, the twenty-fourth of Monroe, the Twenty-fifth of Walton, the Twenty-sixth of Suwanee, the Twenty-seventh of Polk and Manatee, the twenty-eighth of Clay and Baker, the Twenty-

ninth of Volusia, the Thirtieth of Hillsborough, the Thirty-first of St. Johns and the Thirty-second of Levy.

SEC. 3. The Legislature of the State of Florida, in the year of our Lord one thousand eight hundred and ninety, and every five years thereafter, shall cause an enumeration to be made of all the inhabitants of the State of Florida, by counties, and shall at the first regular session after the year one thousand eight hundred and ninety-five, proceed to apportion the representation among the different counties of the State, giving to each county one representative at large and one additional representative to every ten thousand inhabitants therein, as shown by the census enumeration as made last next before said apportionment. And a like apportionment shall be made every ten years thereafter; but no county shall ever be entitled to more than three representatives.

SEC. 4. The Legislature shall also at the first regular session after the year one thousand eight hundred and ninety-five proceed to apportion and fix by law the number of State Senators, which shall constitute the Senate of the State of Florida, and a like apportionment shall be made every ten years thereafter. That the apportionment of State Senators shall never be less than one-fourth nor more than one-third of the whole number of the members of the Legislature.

SEC. 5. When any Senatorial District shall be composed of two or more counties the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county which may be created shall be entitled to one Representative in the House of Representatives until the next apportionment thereafter and be assigned to one of the adjoining Senatorial Districts as shall be determined by the Legislature.

SEC. 6. The Senators shall be chosen for the term of four years at the same time and place as members of the House of Representatives; *Provided*, That the Senators elected at the first election from the Senatorial Districts designated by even numbers shall vacate their seats at the expiration of two years, and thereafter all Senators shall be elected for the term of four years, so that one-half of the whole number shall be elected biennially.

Also the following additional report :

CONVENTION HALL, TALLAHASSEE, FLA., July 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Census and Apportionment to whom was referred—

An Ordinance of Hon. Mr. Goss, of Marion, on the subject of the division of the State of Florida into two States,

Beg leave to return said Ordinance to the Convention, and recommend that it be indefinitely postponed.

Very respectfully,

J. F. MCULELLAN,  
Chairman of Committee.

Which was read.

Mr Chandler gave notice that he would submit a minority report on to-morrow.

Mr. Love, Chairman of the Committee on Miscellaneous Provisions, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 24, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Miscellaneous Provisions to whom was referred—

A section in relation to eminent domain, introduced by Mr. Marshall, of Levy, and a section in relation to the right of drainage by Mr. Challen, of Duval, respectfully report that they have considered said sections, and a majority of your committee recommend them to the favorable consideration of the Convention.

The section by Mr. Challen, of Duval, in relation to water supplies, etc., is herewith returned without recommendation.

Very respectfully,

E. C. LOVE,  
Chairman of Committee.

Which was received and placed among the orders of the day.

Mr. Broome, Chairman of the Committee on Expenditures, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Expenditures, to whom was referred—

Resolution No. 1, by Mr. Conover, of Leon; Resolution No. 2, by Mr. Blackburn, of Suwannee, in regard to pay of the members and attaches of the Convention, report the same back, and recommend that they be laid on the table. Also Resolution No. 3, by Mr. Marshall, of Levy, we report back

to the Convention, and recommend that it be adopted as amended by your committee.

Very respectfully,

JOHN D. BROOME, Chairman.

W. H. COOK,

W. F. GREENE,

J. P. MORGAN,

ALEX. ZIPPERER,

Committee.

Which was received and placed among the orders of the day.

*Be it ordained by the people of Florida, represented in Constitutional Convention :*

SECTION 1. The pay of the members of the present Constitutional Convention shall be a per diem for attendance of six (\$6.00) dollars per day in addition to mileage of ten cents per mile each way from their places of residence to the Capital and return, estimated by the shortest thoroughfare.

SEC. 2. The pay of the Secretary and Assistant Secretary of the Convention, and all the Clerks elected by the Convention, shall be six (\$6.00) dollars per diem each, allowing the Secretary and Assistant Secretary one day after adjournment to complete unfinished business; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the Chairman of the Committee; the pay of the Sergeant-at-Arms shall be six (\$6.00) per diem, and Assistant Sergeant-at-Arms shall be five (\$5.00) dollars per diem; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each; the pay of the Doorkeeper shall be five (\$5.00) dollars per diem; the pay of Pages shall be three (\$3.00) per diem each; the pay of the Janitor shall be two (\$2.00) dollars per diem; the pay of the Chaplain shall be one hundred dollars; the Recording Clerk shall be entitled to pay for two days after adjournment to bring up his work on Journals. The Comptroller is required to issue his warrant in favor of any member, officer or attache of the Convention for the amount due him, and the Treasurer shall pay the same out of any moneys in the Treasury not otherwise appropriated.

Mr. Turnbull, Chairman of the Committee on Printing, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Printing beg leave to report :

That there is now due Dorr & Bowen for printing the sum of \$2,176 98. We recommend that \$1,000.00 be paid now.

Your committee would also recommend that an index to the proceedings of the Convention be prepared under the direction of the President and Secretary, and that it be published with the proceedings; that the final printing and publication of the proceedings of the Convention after its adjournment be under the supervision of the President and Secretary, with such compensation as will be allowed.

Very respectfully,

S. J. TURNBULL,  
Chairman Committee.

Which was read and placed among the orders of the day.

Additional sections 14 and 15 to Article IX, on Education, were read the first time and passed to a second reading and placed among the orders of the day.

The consideration of Article VIII, on Counties and Cities, was resumed.

Mr. Walker, Jr., called up his motion to reconsider the vote by which the following amendment offered by Mr. Hocker on Wednesday was passed:

The Legislature shall provide for the division of each county into five districts, and one County Commissioner shall be selected from each of such districts

The question was on the motion to reconsider;

Which was not agreed to, and the Convention refused to reconsider.

Section 7 was read.

Mr. Yonge offered to amend as follows:

When any municipality shall be abolished provision shall be made for the protection of its creditors;

Which was agreed to, and the amendment was declared adopted.

The question was upon the adoption of section 7 as amended.

Mr. Hicks moved to strike out the entire section as amended.

Mr. Yonge moved to lay the motion to strike out on the table;

Which was agreed to.

Mr. Thompson offered to amend as follows:

*Provided*, No municipality shall be abolished without the written consent of the majority of the taxpayers of the municipality so abolished, previously declared by an election held for that purpose.



Mr. Yonge moved to lay the amendment on the table;  
Which was agreed to, and the amendment was laid on the table.

Mr. Walker, Jr., moved to amend as follows:

Insert the word "not" between the words "shall" and "have" in the first line.

Mr. Yonge moved to lay the amendment on the table;  
Which was agreed to and the amendment was laid on the table.

Mr. Miller offered to amend as follows:

But all such laws shall be general in their nature and applicable to all municipalities within the State.

Mr. Yonge moved to lay the amendment on the table;  
Which was agreed to and the amendment was laid on the table.

Mr. Yonge moved that the section as amended be adopted, and moved the previous question.

The previous question was ordered.

Section 7 was then passed as amended.

Mr. Baker offered the following additional section:

The Governor shall not appoint to the office of County Commissioner any person who has been recommended by any party caucus or committee, and at all side-show elections all qualified electors shall be allowed to vote, and the persons receiving the highest number of votes shall be appointed by the Governor.

Mr. Randolph moved to lay the additional section on the table;

Which was agreed to, and the additional section was tabled.

Mr. Yonge moved to reconsider the vote by which section 6, Article VIII, was passed;

Which was agreed to.

Mr. Yonge offered to amend the section as follows:

Insert after the word "counties," in 2d line, section 6, the following, "when it is deemed necessary for assessment purposes;"

Which was agreed to, and the amendment was adopted.

Mr. Randall, of Duval, moved to strike out so much of the section as required county officers to be commissioned.

Mr. Yonge moved to lay the motion to strike out on the table;

Which was agreed to.

Section 6 was then adopted as amended.

Mr. Weeks moved to reconsider the vote by which section 5, Article VIII, was passed ;

Which was agreed to.

Mr. Weeks offered the following amendment to section 5 :

After " years," in 7th line, insert " except a County Assessor of Taxes, a County Tax Collector and a County Treasurer shall be elected for two years."

The question was on the adoption of the amendment ;

Which was agreed to, and the amendment was declared adopted.

Mr Blackburn offered to amend as follows :

Amend by adding " Superintendent of Public Instruction."

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid on the table.

Mr. Sanchez offered to amend as follows :

On 6th line after " surveyor," strike out to " their," on 7th line, and insert " the term of office of Clerk of the Court and Sheriff shall be two years."

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to.

Mr. Yonge moved that section 5, Article VIII, as amended, be adopted ;

Which was agreed to, and the section was passed as amended.

Messrs. Humphries and Henderson were excused on account of sickness.

Mr. Taylor was excused until Monday.

Mr. Goodbread was indefinitely excused. .

The additional section offered by Mr. Greeley this morning and referred to the Committee on County, Township and City Organization by request was withdrawn from the committee and considered.

The question was upon the adoption of the additional section.

Mr. Yonge moved to lay the additional section on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Blount, Campbell, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Edge, Fogarty, Green, Hatch, Hausman, Hendley, Herndon, Hicks, Jones, Love, Lutterloh, Malone, Marshall, Milton, Morgan, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parsons, Patterson, Randell of Madison, Randolph, Robertson, Scott, Speer,

Stone, Swearingen, Tedder, Tolbert, Wadsworth, Weeks, Wellman, Wilsen of Clay, Wilson of Polk and Manatee, Wyly and Yonge—48.

Nays—Mr. President, Messrs. Baker, Bennett, Blackburn, Broome, Bush, Carr, Carson, Challen, Chandler, Cook, Duncan, Earle, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hargret, Hunter, Ives, Johnston, Landrum, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Pelot, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Sheats, Thompson, Tompkins, Walker, Jr., Westcott and Zipperer—42

So the motion to lay on the table was agreed to.

Mr. Yonge moved that Article VIII, on Counties and Cities, as amended, be passed, spread upon the Journal and ordered engrossed for a third reading;

Which was agreed to and it was so ordered.

## ARTICLE VIII.

### COUNTIES AND CITIES.

SECTION 1. The State shall be divided into political divisions to be called counties.

SEC. 2. The several counties of the State as they now exist are hereby recognized as the legal political divisions of the State.

SEC. 3. The Legislature shall have power to establish new counties, and change county lines. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from county or counties, and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

SEC. 4. The Legislature shall have no power to remove the County Seat of any county, but shall provide by general law for such removal; *Provided*, That in the formation of new counties the County Seat may be temporarily established by law.

SEC. 5. There shall be appointed by the Governor, by and with the consent of the Senate, in and for each county, five County Commissioners. Their terms of office shall be two years, and their powers, duties and compensation shall be prescribed by law. The Legislature shall provide for the division

of each county into five districts, and one County Commissioner shall be selected from each of such districts.

SEC. 6. The Legislature shall provide for the election by the qualified electors in each county of the following county officers: One Clerk of the Circuit Court, one Sheriff, such Constables as are provided in this Constitution, a County Assessor of Taxes, a Tax Collector, a County Treasurer, a Superintendent of Public Instruction, and a County Surveyor. The term of office of all county officers mentioned in this section shall be four years, except a County Assessor of Taxes, a County Tax Collector and a County Treasurer shall be elected for two years, their powers, duties and compensation shall be prescribed by law.

SEC. 7. The Legislature shall by law authorize the County Commissioners of the several counties, where it is deemed necessary for assessment purposes, to divide their respective counties into taxation districts, and to appoint in and for each district an Assistant Assessor of Taxes, whose powers, duties and compensation shall be prescribed by law. All county officers, except Assistant Tax Assessors of Taxes, shall, before entering upon the duties of their respective offices, be commissioned by the Governor; but no such commission shall issue to any such officer until he shall have filed with the Secretary of State a good and sufficient bond in such sum and upon such conditions as the Legislature shall by law prescribe, approved by the County Commissioners of the county in which such officer resides, and by the Comptroller. No county officer shall become security upon the official bond of any other county officer. If any person elected to any county office shall fail to give bond and qualify within sixty days after his said election, the said office shall become vacant.

SEC. 8. The Legislature shall have power to establish and to abolish municipalities, to provide for their government, to prescribe their jurisdiction and powers and to alter or amend the same at any time. When any municipality shall be abolished, provision shall be made for the protection of its creditors.

Article XVII, on Constitutional Amendments, came up for consideration on its second reading.

Section 1 was read.

Mr. Yonge moved to amend by striking out the word "time," in line 6, and inserting in lieu thereof the word "election;"

Which was agreed to, and the amendment was declared adopted.

Mr. Sanchez moved to amend as follows :

Strike out "two-thirds," in second line, and insert "majority."

Mr. Gillis moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blount, Broome, Campbell, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hausman, Hendley, Herndon, Hocker, Hope, Jones, Love, Lutterloh, Malone, Marshall, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Swearingen, Tedder, Wadsworth, Weeks, Wellman, Wilson of Clay and Yonge—54.

Nays—Messrs. Baker, Bell of Brevard and Dade, Blackburn, Bush, Carter, Carr, Carson, Challen, Chandler, Gibbs, Goss, Greeley, Hargret, Hatch, Hicks, Hunter, Ives, Johnston, Lesley, Lewis, Mann, Miller, Mitchell, Petty, Ranuall of Duval, Rogers, Sanchez, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee, Wyly and Zipperer—36.

So the motion to lay upon the table was agreed to.

On motion of Mr. McClellan, the Convention took a recess until 4 o'clock P. M. to-day.

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#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Par-



sons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—100.

A quorum present.

Mr. Baker, of the Committee on Census and Apportionment, offered the following minority report :

CONVENTION HALL, TALLAHASSEE, FLA., July 23, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : A minority of your Committee on Census and Apportionment, to whom was referred—

An ordinance introduced by Mr. Goss, of Marion, proposing a division of the State at the Suwannee river, respectfully recommend that it do pass, with the following amendment : Strike out the words “including Monroe county.”

Very respectfully,

H. C. BAKER,  
A. S. WELLMAN,  
JNO. T. LESLEY,  
H. W. CHANDLER,  
Committee.

Which was received and placed among the orders of the day.

Mr. Sanchez, Chairman of the Committee on Judiciary Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 24, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Judicial Department, to whom was referred—

Section offered by Mr. Taylor, of Alachua, beg to report that they have considered the same, and incorporated it into new Article XI, which they herewith report in lieu of such portions in the Article heretofore reported as have not been adopted by the Convention, and recommend that said Article be adopted.

Very respectfully,

E. C. F. SANCHEZ,  
Chairman Committee.

Which was received and placed among the orders of the day.

## ARTICLE XI.

### JUDICIARY DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, Circuit Courts, Criminal Courts, County Courts and Justices of the Peace.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold their office for the term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years, another to be designated in like manner for four years, and the third for six years, so that one shall be elected every two years after the first election. The Chief Justice shall be designated by lot, and shall be such during his term of office. The first election for said Judges shall take place at the first election for members of the Legislature after the ratification of this Constitution.

SEC. 3. No person shall ever be appointed as a Judge of the Supreme Court, Circuit Courts, or Criminal Courts, who is not twenty-five years of age and an attorney at law.

SEC. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. The concurrence of two Justices shall be necessary to a decision. The number of terms of the Supreme Court and the time of holding the same shall be regulated by law. All terms shall be held at the Capital of the State.

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases at law, and in equity originating in Circuit Courts, and of appeal from the Circuit Courts in cases arising before Judges of the County Courts in matters pertaining to their probate jurisdiction and in the management of the estates of infants, and in cases of conviction of felony in the criminal courts, and in all criminal cases originating in the Circuit Courts. The Court shall have power to issue writs of mandamus, certiorari, prohibition, quo-warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or any Justice thereof, or before any Circuit Judge.

SEC. 6. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a Judge of the Circuit Court to hear and determine any matters pending before the Court in the place of any Justice thereof who shall be disqualified or disabled in such case from interest or other cause.

SEC. 7. The Supreme Court shall appoint a Clerk, who shall have his office at the Capital, and shall be Librarian of the Supreme Court Library.

SEC. 8. There shall be seven Circuit Judges, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold their office for six years. The State shall be divided into seven Judicial Circuits, and one Judge shall be assigned to each Circuit. Such Judge shall hold at least two terms of his court in each county within his Circuit each year, at such times and places as shall be provided by law, and may hold special terms. The Governor may, in his discretion, order a temporary exchange of Circuits by the respective Judges, or order any Judge to hold one or more terms or parts of terms in any other Circuit than that to which he is assigned. The Judge shall reside in the Circuit of which he is Judge. Successors to the present incumbents shall be appointed and confirmed at the first session of the Legislature after the ratification of this Constitution.

SEC. 9. Until otherwise defined by the Legislature the several Judicial Circuits of the Circuit Courts shall be as follows:

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington and Jackson.

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

SEC. 10. The Circuit Courts shall have exclusive jurisdiction in all cases in equity, also in all cases at law, not cogni-

zable by inferior courts, and in all cases involving the legality of any tax, assessment or toll; of the action of ejectment and of all actions involving the titles or boundaries of real estate and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the Legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the County Court, or before the County Judge, of all misdemeanors tried in Criminal Courts, of judgments or sentences of any Mayor's Court, and of all cases arising before Justices of the Peace in counties in which there is no County Court, and supervision and appellate jurisdiction of matters arising before County Judges pertaining to their probate jurisdiction or to the estates and interests of minors, and of such other matters as the Legislature may provide. The Circuit Courts and Judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.

SEC. 11. The Circuit Courts and Circuit Judges may have such extra territorial jurisdiction in chancery cases as may be provided by law.

SEC. 12. It shall be the duty of the Judges of the Circuit Courts to report to the Attorney-General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention and to suggest such amendments or additional legislation as may be deemed necessary. The Attorney-General shall report to the Legislature at each session such legislation as he may deem advisable.

SEC. 13. A Circuit Judge may appoint in each county in his Circuit one or more attorneys at law, who shall be known as Court Commissioners, who shall have power in the absence of the Circuit Judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the Circuit Judge. Their orders in such matters may be reviewed by the Circuit Judge, and confirmed, qualified or vacated. They may be removed by the Circuit Judge. The Legislature may confer upon them further powers, not judicial, and shall fix their compensation.

SEC. 14. The Governor, by and with the advice and consent of the Senate, shall appoint a State Attorney in each Judicial Circuit, whose duties shall be prescribed by law. He shall hold office for four years. There shall be elected in each county a Sheriff, and a Clerk of the Circuit Court, who shall also be Clerk of the County Court, except in counties where there are



Criminal Courts, and of the Board of County Commissioners, Recorder and *ex-officio* Auditor of the County, each of whom shall hold his office for four years. Their duties shall be prescribed by law.

SEC. 15. There shall be in each county a County Judge who shall be elected by the qualified electors of said county at the time and places of voting for members of the Legislature and shall hold his office for four years. His compensation shall be provided by law.

SEC. 16. The County Judge shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of such criminal cases as the Legislature may provide. The Judges of the County Courts shall have jurisdiction of the settlement of the estates of decedents and minors, to order the sale of real estate of minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate, and shall issue all licenses required by law to be issued in the county.

SEC. 17. The Legislature may organize in such counties as it may think proper, County Courts which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the Courts of Justices of the Peace. The trial of such appeals may be *de novo* at the option of appellant. The County Judge shall be the Judge of said Court. There shall be elected by the qualified electors of said county at the time when the said Judge is elected a Prosecuting Attorney for said county who shall hold office for four years. His duties and compensation shall be provided by law. Such Courts may be abolished at the pleasure of the Legislature.

SEC. 18. When any civil case at law in which the Judge is disqualified shall be called for trial in a Circuit or County Court the parties may agree upon or, in case they do not agree, the Clerk of the Court shall designate an attorney at law who shall be Judge *ad litem* and shall preside over the trial of and make orders in said cause as if he was Judge of the Court. The parties may, however, transfer the cause to another Circuit Court or County Court, as the case may be, or may have the case referred to a referee.



SEC. 19. The County Commissioners of each county shall divide it into as many Justice Districts, not less than two, as they may deem necessary. The Governor shall commission, upon the recommendation of the grand jury of the county, one Justice of the Peace for each of said districts. He shall hold his office for four years.

SEC. 20. Every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed fifty dollars and in which the cause of action accrued, or the defendant resides, in his district. He shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge for examination and discharge, commitment or bail of the accused. He shall have power to hold inquests of the dead.

SEC. 21. There shall be established in each of the counties of Duval and Escambia, and in such other counties as the Legislature may deem expedient, a Criminal Court of Record, and there shall be one Judge for each of said courts, who shall hold his office for four years and whose salary shall be one thousand dollars per year.

SEC. 22. The said courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.

SEC. 23. There shall be six terms of said courts in each year.

SEC. 24. There shall be for each of said courts a prosecuting Attorney who shall be appointed by the Governor and confirmed by the Senate and who shall hold his office for four years. His compensation shall be fixed by law.

SEC. 25. All offences triable in said Court shall be prosecuted upon information under oath to be filed by the prosecuting attorney, but the grand jury of the Circuit Court for the county in which said Criminal Court is held may indict for offenses triable in the Criminal Court. Upon the finding of such indictment the Circuit Judge shall commit or bail the accused for trial in the Criminal Court, which trial shall be upon information.

SEC. 26. The County Courts in said counties shall have no criminal jurisdiction and no prosecuting Attorney.

SEC. 27. The Clerk of said Court shall be elected by the electors of the county in which the Court is held and shall hold his office for four years and his compensation shall be fixed by law. He shall also be Clerk of the County Court. The Sheriff of the County shall be the executive officer of said Court and his duties and fees shall be fixed by law.

SEC. 28. The State Attorney residing in the county where such Court is held shall be eligible for appointment as County Solicitor for said county.

SEC. 29. Such courts may be abolished by the Legislature after five (5) years from their organization.

SEC. 30. When the office of any Judge shall become vacant from any cause the successor to fill such vacancy shall be appointed or elected only for the unexpired term of the Judge whose death, resignation, retirement or other cause created such vacancy.

SEC. 31. No courts other than those herein specified shall be organized in this State.

SEC. 32. All judicial officers in this State shall be conservators of the peace.

SEC. 33. The style of all process shall be "The State of Florida," and all prosecutions shall be conducted in the name and by the authority of the State.

SEC. 34. When any Judge of the Supreme or Circuit Courts of this State now in office, or hereafter to be elected or appointed, shall become disabled, at any time during his term of office, from sickness, mental disorder, or advanced age, to discharge the duties of his office, the Governor may, by and with the consent of the Senate, retire such Judge; and such retired Judge shall, from the date of his retirement, and for the residue of his unexpired term of office, receive annually a salary to the extent of one-half the annual salary to which he would have been entitled by law had he continued in office. Any Judge thus retired shall be disqualified from the date of his retirement from discharging or performing any of the powers or duties of his office.

The consideration of Article XVII was resumed.

Section 1 was read as amended.

Mr. Bethel moved that the section be adopted as amended;

Which was agreed to and the section was declared adopted.

Section 2 was read.

Mr. Chandler moved to amend by striking out the last sentence;

Which was not agreed to.

Mr. Challen moved to amend as follows:

Strike out the last sentence and insert "The Convention shall consist of two delegates for each Senatorial District in the State;

Which was not aged to.

Mr. Baker moved to amend as follows:

Strike out all in line 10 and insert "shall consist of not more than 80 members, which shall be apportioned to the

counties according to their population, but every county shall have at least one."

Mr. Rogers moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Chandler offered the following amendment :

SECTION 2. Strike out the last sentence and insert as follows : "The Convention shall consist of a number equal to the membership of the House of Representatives, and shall be apportioned among the several counties in the same manner as members of said House of Representatives."

Mr. Bethel moved the adoption of the amendment and moved the previous question.

The previous question was ordered.

The question was then upon the adoption of the Article, and it was declared passed as amended, ordered spread upon the Journal and engrossed for a third reading.

## ARTICLE XVII.

SECTION 1. Either branch of the Legislature, at a regular session thereof, may propose amendments to this Constitution ; and if the same be agreed to by two-thirds of all the members elected to each House, such proposed amendments shall be entered upon their respective Journals with the yeas and nays, and published in one newspaper in each county where a newspaper is published, for three months immediately preceding the next general election of Representatives, at which election the same shall be submitted to the electors of the State, for approval or rejection. If a majority of the electors voting at such election shall adopt such amendments, the same shall become a part of the Constitution. Such proposed amendments shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 2. If at any time the Legislature, by a vote of two-thirds of all the members of both Houses, shall determine that a revision of this Constitution is necessary, such determination shall be entered upon their respective Journals, with the yeas and nays thereon. Notice of said action shall be published weekly in one newspaper in every county in which a newspaper is published, for three months preceding the next general election of Representatives. The electors at said election may vote for or against the revision in question. If a majority of the electors so voting be in favor of revision, the Legislature chosen at the said election shall provide by law for a Convention to revise the Constitution, said Convention to be held within six months after the passage of such law.

The Convention shall consist of a number equal to the membership of the House of Representatives and shall be apportioned among the several counties in the same manner as members of said House of Representatives

Article VI, on Homestead Exemption, came up for consideration on its second reading.

Section 1 was read and passed without amendment.

Section 2 was read.

Mr. Maxwell moved to amend as follows :

Strike from line 2 the word "heirs," and insert "direct descendants," and inserting after the word "exemption" in line 3 the words "and family of which he was head at time of death."

Mr. Walker, Jr., moved to amend the amendment as follows :

But when there are minor children the party may dispose of the homestead by will to the widow and minor children ;

Which was accepted by Mr. Maxwell.

The question was then upon the adoption of the amendment as amended.

Mr. Goss moved to lay the amendment on the table ;

Which was agreed to.

Mr. Wylly moved the adoption of section 2 as reported by the committee, and moved the previous question.

The previous question was ordered, and section 2 was passed without amendment.

Section 3 was read and passed without amendment.

Section 4 was read.

Mr. Orman offered the following amendment :

"Nor, if the holder be without children, to prevent him or her from disposing of his or her homestead by will in a manner provided by law ;"

Which was agreed to, and the amendment was declared adopted.

Section 4 as amended was then passed.

Section 5 was read and passed without amendment.

Mr. Broome offered the following additional section :

No homestead provided for in section 1 shall be reduced in area on account of its being subsequently included within the limits of an incorporated city or town, without the consent of the owner.

Mr. Goss moved to lay the additional section on the table ;

Which was not agreed to.



The question was then upon the adoption of the additional section ;

Which was agreed to, and the additional section was declared adopted.

Mr Goss offered the following additional section :

That all real estate hereafter sold at forced sale under any process at law or decree in equity shall be redeemable by the owner or judgment debtor within two years from date of sale on the payment of principal and interest and cost.

Mr. Yonge moved to lay the additional section on the table ;

Which was not agreed to.

The question was then on the adoption of the additional section ;

Which was agreed to, and the additional section was declared adopted.

Mr. Thompson offered the following additional section :

No homestead so exempt from reduction in area as metioned in preceding section —, shall extend to more than ten acres.

Mr. Orman moved to lay the additional section on the table ;

Which was agreed to.

Mr. Orman moved that Article VI, on Homestead Exemptions, be passed, spread upon the Journal and engrossed for a third reading ;

Which was agreed to and was so ordered.

## ARTICLE VI.

### HOMESTEAD AND EXEMPTIONS.

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempt from forced sale under process of any court, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes or assessments, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or



buildings than the residence and business house of the owner ; and no judgment or decree or execution shall be a lien upon exempted property except as provided in this Article.

SEC. 2. The exemptions here provided for in section one shall inure to the widow and heirs of the party entitled to such exemption, and shall apply to all debts, except as specified in said section.

SEC. 3. The exemptions provided for in the Constitution of this State adopted in 1868 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

SEC. 4. Nothing in this article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage duly executed by himself or herself, and by husband and wife, if such relation there be, nor if the holder be without children to prevent him or her from disposing of his or her homestead by will in a manner prescribed by law.

SEC. 5. No homestead provided for in section 1 shall be reduced in area on account of its being subsequently included within the limits of an incorporated city or town without the consent of the owner.

SEC. 6. That all real estate hereafter sold at force sale under any process of law, or decree in equity, shall be redeemable by the owner or judgment debtor within two years from date of sale on the payment of principal, interest and cost.

SEC. 7. The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article.

The following additional section to Article XVI, on Miscellaneous Provisions, offered by Mr. Randall, of Duval, was read the second time :

#### RELEASE TO RIPARIAN PROPRIETOR.

The State of Florida releases and grants to owners and to future grantees of the State or of the United States of lands bounded by any navigable stream or bay of the sea or harbor all the right, title and interest of the State in all lands covered by water at high tide, lying in front of any land so owned to the edge of the channel of such navigable stream or bay or harbor, and between the boundary lines of such owner extended in the direction of the channel from the points where the boundary lines strike the water at high water mark or high tide. But this release shall not authorize such grantee or owner in anywise to obstruct the channel, but full space shall be left for the requirements of commerce ; *Provided*, That nothing herein contained shall be construed to release

the title of the State to any of the swamp or overflowed land within the State, but only to such owners whose lands are bounded by and extend to high water mark on such navigable streams, bays or harbors.

Mr. Turnbull moved to lay the additional section on the table;

Which was agreed to.

Upon motion of Mr. McClellan, the Convention adjourned until 9 o'clock A. M. to-morrow.

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## THIRTY-NINTH DAY.

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SATURDAY, JULY 25, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Marshall, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—100.

A quorum present.

Prayer by the Chaplain.

Mr. Green moved that the reading of the Journal be informally dispensed with;

Which was agreed to.

Mr. Turnbull offered the following resolution :

*Resolved*, That this Convention do adjourn *sine die* on next Saturday, August 1st, 1885, at 12 o'clock M. ;

Which was read and laid over under the rules.

Mr. Maxwell, of the committee appointed to make arrangements for the memorial services of General Grant, stated that, in their opinion as to the day for such services, it should conform to that appointed for the country at large, and as it is uncertain whether that will fall within the sittings of this Convention, the committee ask leave to defer for the present the selection of a minister to officiate on the occasion, and recommend that the resolutions reported yesterday in relation to the death of General Grant be brought up for passage next Wednesday evening. He stated, further, that if in the meantime the day for national memorial services should be found to come while the Convention is in session the committee will then act in the selection of a minister, as provided by the resolution under which they were appointed..

Article XIII, on Census and Apportionment, was read the first time by its title and placed among the orders of the day for a second reading on Monday.

Mr. Rogers moved that the reading of the Journal be dispenses with ;

Which was agreed to.

Pending the correction of the Journal, the following additional rule offered by Mr. Yonge on yesterday, was called up for consideration :

When a motion for the reconsideration of a vote by which an article, section or ordinance has been adopted or lost on its second reading, or passed or lost on its third reading, is made, it shall be placed among the orders of the day, and shall not be acted upon the same day it is offered, except upon the last day of the session.

A motion to reconsider and to lay the motion to reconsider upon the table shall not apply to the vote by which any article, section or ordinance has been passed from its second reading or disposed of on its third reading.

A second motion to reconsider shall be entertained only as to the vote upon the final passage on the third reading, or the disposition on the second reading of an article, section or ordinance, and in these cases only by consent of a majority of the members of the Convention.

The question was upon the adoption of the additional rule ; Which was agreed to, and the rule was declared adopted.

The Journal was then corrected and approved.

Mr. Baker, of the Committee on Boundaries, asked leave to have the Ordinance reported by the minority of said committee read by its title and placed among the orders of the day ;

Which was granted, and it was so ordered.

The Ordinance relative to the Division of the State reported by the Minority Report of the Committee on Boundaries, was then read by its title for the first time and placed among the orders of the day.

The following ordinance, reported by the Committee on Expenditures, was read the first time :

*Be it ordained by the people of Florida, represented in Constitutional Convention :*

SECTION 1. The pay of the members of the present Constitutional Convention shall be a per diem for attendance of six (\$6.00) dollars per day in addition to mileage of ten cents per mile each way from their places of residence to the Capital and return, estimated by the shortest thoroughfare.

SEC. 2. The pay of the Secretary and Assistant Secretary of the Convention, and all the Clerks elected by the Convention, shall be six (\$6.00) dollars per diem each, allowing the Secretary and Assistant Secretary one day after adjournment to complete unfinished business ; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the Chairman of the Committee ; the pay of the Sergeant-at-Arms shall be six (\$6.00) per diem, and Assistant Sergeant-at-Arms shall be five (\$5.00) dollars per diem ; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each ; the pay of the Doorkeeper shall be five (\$5.00) dollars per diem ; the pay of Pages shall be three (\$3.00) per diem each ; the pay of the Janitor shall be two (\$2.00) dollars per diem ; the pay of the Chaplain shall be one hundred dollars ; the Recording Clerk shall be entitled to pay for two days after adjournment to bring up his work on Journals. The Comptroller is required to issue his warrant in favor of any member, officer or attache of the Convention for the amount due him, and the Treasurer shall pay the same out of any moneys in the Treasury not otherwise appropriated.

Mr. Challen moved that the rules be waived and the ordinance read a second time ;

Which was agreed to, and it was so ordered.

Section 1 was read and passed without amendment.

Section 2 was read.

Mr. Gillis offered the following amendment :

The Recording Clerk shall complete his work after the adjournment of the Convention under the supervision of the Sec-

retary of State, and shall be paid for the same at six dollars per day for each day required to complete his work ;

Which was read.

Mr. Conover offered the following amendment to the amendment :

That the Recording Clerk be paid fifteen cents per folio (100 words) for all the unfinished work after the adjournment of this Convention.

Mr. Sanchez moved to lay the amendment to the amendment on the table ;

Which was agreed to, and the amendment to the amendment was laid on the table.

Mr. Bethel moved the adoption of the amendment offered by Mr. Gillis, and moved the previous question.

The previous question was ordered.

The amendment was then adopted.

Mr. Mann offered the following amendment :

In line nine strike out "\$3.00," and insert "\$4.00."

Mr. Mann moved the adoption of the amendment, and moved the previous question.

The previous question was ordered and the amendment was not agreed to.

Mr. Conover offered the following amendment :

In line nine, section 2, strike out "two (2.00)" and insert "three" after the words "the Janitor shall be."

Mr. Fowler moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid upon the table.

Mr. Hocker offered the following amendment :

Strike out in line 13 all after the word "him," and insert "and the Treasurer shall pay on each warrant out of the moneys appropriated for the expenses of this Convention an amount bearing the same ratio to the whole amount so appropriated, as the amount of each warrant shall bear to the whole expense of the Convention, and the balance of each warrant he shall pay out of any moneys in the Treasury not otherwise appropriated.

Mr. Humphries offered the following amendment to the amendment :

*Provided*, That the mileage of members be first paid.

Pending discussion Mr. McClellan moved to recommit section 2, together with amendments, to the Committee on Expenditures ;



Which was agreed to, and the section was so recommitted. The consideration of Article XVI, on Miscellaneous Provisions, was resumed.

Mr. Randell, of Madison, moved to reconsider the vote by which section 34 was passed ;

Which was agreed to, and the vote was reconsidered.

Mr. Randell, of Madison, offered the following substitute for section 34 :

SEC. 34. The salary of the Governor of the State shall be thirty-five hundred dollars per annum, that of the Comptroller two thousand dollars, that of the State Treasurer two thousand dollars, that of Secretary of State fifteen hundred dollars, that of Attorney-General fifteen hundred dollars, that of Commissioner of Agriculture fifteen hundred dollars, that of Superintendent of Public Instruction fifteen hundred dollars per annum ; *Provided*, That no administrative officer shall receive any allowance or additional compensation beyond his salary for any service or services rendered the State, in connection with the Internal Improvement Fund, or other interests belonging to the State of Florida ; *Provided, further*, That the Legislature may, after eight years from the adoption of this Constitution, raise or decrease any or all of said salaries.

The question was upon the adoption of the substitute.

Mr. McClellan moved to amend the Governor's salary by striking out " 3,500 " and insert " 3,000 ;"

Which, upon motion, was laid upon the table.

Mr. Walker, Jr., moved to place the substitute in place of the original, and moved the previous question.

The previous question was ordered, and the question was upon placing the substitute in place of the original.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Bush, Campbell, Carson, Clarke of Jefferson, Davis, Edge, Genovar, Goss, Greeley, Green, Hausman, Herndon, Hicks, Hocker, Hunter, Ives, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Miller, Milton, Morgan, McCaskill, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Paterson, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Stone, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Yonge and Zipperer—55.

Nays—Messrs. Baker, Bethel, Blount, Broome, Carr, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Earle, Fogarty, Fowler Gibbs, Gillis, Hargret,

Hatch, Hendley, Hope, Humphries, Johnston, Lesley, Maxwell, Mitchell, McClellan, Parker, Parsons, Pelot, Randall of Duval, Robertson, Sanchez, Speer, Swearingen, Walter, Westcott, Wilson of Polk and Manatee and Wylly—39.

So the substitute was placed in lieu of the original.

The question was then upon the adoption of the substitute ; Mr. Pelot offered the following amendment :

Strike out " first proviso."

Mr. Walker, Jr., moved to lay the amendment on the table ; Which was agreed to.

Mr. Carr offered the following amendment :

" That the salary of the Secretary of State shall be \$2,000, and the salary of the Attorney-General shall be \$2,000 per annum."

Mr. McClellan moved to lay the amendment on the table ; Which was agreed to.

Mr. Turnbull moved the adoption of the substitute as offered by Mr. Randell, and moved the previous question.

The previous question was order, and the substitute was declared adopted.

Mr. Wilson, of Polk, moved to reconsider the vote by which the Convention refused to strike out the words "two-thirds," in section 1, Article XIV, on Constitutional Amendments, and insert the word "majority" instead ;

Which was laid over under the rule.

Mr. Walker offered the following additional section to Article XVI, on Miscellaneous Provisions :

The State University shall be under the management and control of a Board of Trustees to be appointed by the Governor with the advice and consent of the Senate. The Governor and Superintendent of Public Instruction shall be *ex-officio* members of said Board of Trustees ;

Which was read and referred to the Committee on Miscellaneous Provisions.

Mr. Randolph offered the following additional section :

No municipal election shall be held in any city or town within the State on the same day as that of a general election.

Mr. Walter moved to lay the additional section on the table ;

Which was agreed to, and the additional section was laid on the table.

The following two sections to Article XVI on Miscellaneous Provisions offered by Mr. Challen, of Duval, on Tuesday the thirty-fifty day of the Convention, came up for consideration on the second reading :

The right of drainage and the means to procure it shall be promoted and protected, and the right of way through inferior lands for the drainage of superior by the direct as well as by the natural course shall be provided for and enforced; *Provided*, That the cost and drainage of such easement may be assessed in proportion to benefit upon the lands of the parties applying for the same; and, *provided further*, That the owners of lands bearing the servitude shall be entitled to just compensation from the parties so applying.

The right to collect rates or compensation for the use of water supplies to any county, city or town, or the inhabitants thereof, is a franchise and cannot be exercised except by authority of and in the manner prescribed by law.

The first section was read.

Mr. Richard moved to lay the section on the table.

Pending action, Mr. McClellan moved to commit the two sections to the Committee on Judiciary Department;

Which was agreed to, and the two sections were so committed.

Article XVI, on Miscellaneous Provisions, was then passed, ordered spread upon the Journal and engrossed for a third reading.

## ARTICLE XVI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The Seat of Government shall be at the City of Tallahassee, in the County of Leon.

SEC. 2. Each and every officer of this State, including the members of the Legislature, shall, before entering upon the discharge of his official duties, take the following oath of office: I do solemnly swear [or affirm] that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of ———, on which I am now about to enter, so help me God.

SEC. 3. The salary of each officer shall be payable quarterly upon his own requisition.

SEC. 4. All county officers shall hold their respective offices, and keep their official books and records, at the county seats of their counties, and the Clerk and Sheriff shall either reside or have a sworn deputy within two miles of the county seat.

SEC. 5. The Legislature may provide for the donation of the public lands to actual settlers, but such donation shall not exceed eighty acres to any one person.

SEC. 6. The Legislature shall provide for the speedy publication and distribution of all statutes and laws it may enact. All decisions of the Supreme Court and all laws and judicial decisions shall be free for publication by any person. But no judgment of the Supreme Court shall take effect and be operative until the opinion of the Court in such case shall be filed with the clerk of said Court.

SEC. 7. The Legislature shall not create any office the term of which shall be longer than four years.

SEC. 8. A plurality of votes given at an election of officers shall constitute a choice when not otherwise provided by this Constitution.

SEC. 9. In all criminal cases prosecuted in the name of the State, where the defendant is insolvent or discharged, the State shall pay the legal cost and expenses, including the fees of officers, under such regulations as shall be provided by law.

SEC. 10. The Governor, Supreme Court and all the administrative officers shall keep their offices at the Seat of Government. But in case of invasion or violent epidemics the Governor may direct that the offices of the government shall be removed temporarily to some other place. The sessions of the Legislature may be adjourned for the same cause to some other place, but in case of such removal all the departments of the government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

SEC. 11. No extra compensation shall be made to any officer, agent, employe, or contractor after the service shall have been rendered or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the Legislature.

SEC. 12. The present seal of the State shall be and remain the Seal of the State of Florida; and the present State emblem shall be and remain the State emblem of the State of Florida.

SEC. 13. The sureties upon the official bonds of all the State officers shall be residents of and have sufficient visible property, unincumbered, within the State not exempt from sale under legal process, to make good their bonds; and the sureties upon the official bonds of all county officers shall reside within the counties where such county officers reside, and have sufficient visible property therein, unincumbered, and not exempt from sale under legal process, to make good their bonds.



SEC. 14. All State, county and municipal officers shall continue in office, after the expiration of their official terms, until their successors are duly qualified.

SEC. 15. No person holding or exercising the functions of any office under any foreign government, under the government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State; and no person shall hold or perform the functions of more than one office under the government of this State at the same time; *Provided*, Notaries Public, Militia officers, County School Officers and Commissioners of Deeds, may be elected or appointed to fill any Legislative, Executive or Judicial office.

SEC. 16. The property of all corporations, except the property of a corporation which shall construct a ship or barge canal across the peninsula of Florida, if the Legislature should so enact, whether heretofore or hereafter incorporated, shall be subject to taxation, unless such property be held and used exclusively for religious, scientific, educational or charitable purposes.

SEC. 17. No person shall hold any office of trust or profit under the laws of this State without devoting his personal attention to the duties of the same.

SEC. 18. The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 19. No Convention or Legislature of this State shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such Convention or Legislature shall have been elected after such amendment is submitted.

SEC. 20. The Governor, or any State officer, is hereby prohibited from giving certificates of election, or other credentials, to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate, who has not been five years a citizen of the State and ten years a citizen of the United States, and a qualified voter.

SEC. 21. Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as *prima facie* evidence in the courts of this State without requiring the proof of the execution. A certified copy of the record of any deed or mortgage which has been or shall be duly recorded according to law, shall be admitted as *prima facie* evidence thereof and of its due execution with like effect as the original duly proved; *Provided*, It be made to



appear that the original is not within the custody or control of the party offering such copy.

SEC. 22. The Legislature shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

SEC. 24. Nothing contained in this Constitution shall be so construed as to impair the validity of any debts or contracts, or affect any rights of property or any suits, actions, rights of action or other proceedings, civil or criminal, in the courts of this State.

SEC. 25. All marriages between a white person and a negro, or between a white person and a person of negro descent, to the fourth generation inclusive, are hereby forever prohibited.

SEC. 26. The term felony, whenever it may occur in this Constitution or the laws of the State, shall be construed to mean any criminal offence punishable with death or imprisonment in the State Penitentiary.

SEC. 27. The salary of the Governor of the State shall be thirty-five hundred dollars per annum; that of the Comptroller, two thousand dollars; that of the State Treasurer, two thousand dollars; that of Secretary of State, fifteen hundred dollars; that of Attorney General, fifteen hundred dollars; that of Commissioner of Agriculture, fifteen hundred dollars; that of Superintendent of Public Instruction, fifteen hundred dollars per annum; *Provided*, That no administrative officer shall receive any additional compensation beyond his salary for any service or services rendered the State in connection with the Internal Improvement fund or other interests belonging to the State of Florida; *Provided, further*, That the Legislature may after eight years from the adoption of this Constitution raise or decrease any or all of said salaries.

Mr. Thompson gave notice that he would move to reconsider the vote by which his amendment to Article —, on Private Corporations was lost.

The consideration of Article XI, on Judiciary, was resumed. Messrs. Johnston and Sheats were excused until Tuesday.

Page Fowler was granted a leave of absence.

Upon motion of Mr. McClellan the Article was read by sections, commencing with section 1.

Section 1 was read and passed without amendment.

Section 2 was read.

Mr. Landrum offered the following substitute :

SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold their offices for the term of: The first Associate Justice for three years, and the second Associate Justice for six years, and the Chief Justice for nine years, so that one shall be appointed every three years after their first appointment and confirmation.

Mr. Wyly moved to lay the substitute upon the table.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Baker, Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hunter, Ives, Johnston, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randell of Madison, Richard, Robertson, Rogers, Sanchez, Scott, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—81.

Nays—Messrs. Carr, Challen, Landrum, Miller, Randall of Duval, Rowe, Thompson and Walter—8.

So the motion was agreed to, and the substitute laid upon the table.

Mr. Sanchez moved to amend as follows:

Strike out "Chief Justice and two Associates," and insert "three;"

Which was agreed to.

Mr. Hocker moved to amend as follows:

In lines 6 and 7, strike out sentence beginning with "the" and ending with "office," and inserting "the Justices of the Supreme Court shall designate by lot every two years one of their number as Chief Justice."

Pending discussion Mr. McClellan offered the following amendment:

In 7th line after the word "lot" insert "by said Justices."

Which was accepted by Mr. Hocker, who withdrew his amendment.

Mr. McClellan moved the adoption of the amendment and moved the previous question.

The previous question was ordered and the amendment was adopted.

Section 2 was then passed as amended.

Section 3 was read.

Mr. Chandler moved to amend as follows :

Strike out the word "or" before "criminal," in line 2, and add after "courts," in same line, the words "county courts ;"

Which was laid on the table.

Mr. Blount moved to amend by inserting the words "or elected" after "appointed," in line one ;

Which was agreed to.

Section 3 was then passed as amended.

Section 4 was read and passed without amendment.

Section 5 was read and passed without amendment.

Section 6 was read and passed without amendment.

Section 7 was read and passed without amendment.

Section 8 was read.

Mr. Goss offered to amend as follows :

Strike out in first line the words "shall be appointed by the Governor and confirmed by the Senate," and insert in lieu thereof "shall be elected by the people of the State at large."

Mr. Bethel called the previous question on the adoption of the amendment offered by Mr. Goss, and on the adoption of the section.

The previous question was ordered.

The question was on the adoption of the amendment.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bush, Carr, Chandler, Fowler, Gibbs, Goss, Greeley, Hargret, Mitchell, Petty, Rowe, Thompson, Tompkins and Zipperer—15.

Nays—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Lesley, Lewis, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Scott, Speer, Stone, Tedder, Tolbert, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—69.

So the amendment was not adopted.

The question was then on the adoption of the section.

Mr. Bethel withdrew his motion for the previous question.

Mr. McKinnon offered the following amendment :

Strike out from "be," in first line, to "and," in second line, and insert "elected by the qualified electors of the Judicial Circuit."

Mr. Parkhill moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid on the table.

Mr. Wilson, of Polk, moved the previous question.

The previous question was ordered and section 8 was declared passed as read.

Section 9 was read.

Mr. Swearingen moved that section 9 be adopted and moved the previous question.

The previous question was ordered and section 9 was passed without amendment.

Section 10 was read and passed without amendment.

Section 11 was read and passed without amendment.

Section 12 was read and passed without amendment.

Section 13 was read.

Mr. Randall, of Duval, offered to amend as follows :

Insert the words "from the county" after the word "absence," in line 3 ;

Which was agreed to.

Mr. Blount moved to amend by striking out in line 2 the words, "who shall be known as," and insert in lieu thereof the words "to be ;"

Which was agreed to, and Section 13 was then passed as amended.

Section 14 was read.

Mr. McKinnon moved to amend as follows :

Section 14. Strike out all of the first line, and insert "these shall be elected by the qualified electors in the Judicial Circuits."

Mr. Parkhill moved to lay the motion on the table.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Campbell, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Genovar, Gillis, Hausman, Hendley, Herndon, Hope, Lesley, Love, Lutterloh, Malone, Maxwell,

Milton, Morgan, McClellan, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Scott, Speer, Stone, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—53.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goss, Greeley, Green, Hargret, Hatch, Henderson, Hicks, Hunter, Ives, Landrum, Lewis, McCaskill, McKinnon, Neel, Oliveros, Petty, Randall of Duval, Robertson, Rogers, Rowe, Tedder, Thompson, Tolbert, Tompkins and Walter—35.

So the motion to lay upon the table was agreed to.

The question was upon the adoption of section 14.

Section 14 was then passed as read.

Section 15 was read and passed without amendment.

Section 16 was read.

Mr. Blackburn offered to amend as follows :

In lines 7 and 8, strike out "He shall have the power of a committing magistrate," and insert, "He shall have the same jurisdiction in civil and criminal cases as Justices of the Peace."

Mr. Blount moved to lay the amendment on the table ;

Which was agreed to and the amendment was laid on the table.

Mr. Oliveros moved to amend by striking out all after the word "Magistrate," in eighth line.

Mr. Blount moved to lay the motion on the table ;

Which was agreed to, and the motion was laid on the table.

Mr. Blount moved to amend the section by striking out the words "Judges of the County Courts" and insert in lieu thereof the words "County Judge," in line 4.

Mr. Challen offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to make a thorough examination of the roof the Capitol and of the cisterns from which the water used by the Convention is obtained, and if the water is found to be impure that he furnish pure water from some other source ;

Which was adopted.

The Convention then took a recess until 4 o'clock P. M. to-day.



## FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Campbell, Carter, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs-Gillis, Goss, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Lutterloh, Mann, Marshall, Maxwell, Miller, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—87.

Mr. Turnbull was indefinitely excused on account of sickness.

The consideration of Article XI, on Judiciary, was resumed.

Section 17 was read and passed without amendment.

Section 18 was read.

Mr. Miller moved to amend by adding the following:

In case of the failure of any Circuit Judge to attend any term of his Court by 12 o'clock M. on the second day thereof, a majority of the attorneys at law present may select one of their number to hold that term of the court, or until the arrival of the Judge during the same. An attorney thus selected shall have all the powers of the Circuit Judge in the discharge of those duties. The Legislature shall provide compensation for an attorney so acting as Judge.

Mr. Carter moved to lay the amendment on the table;

Which was agreed to, and the amendment was laid on the table.

Section 18 was then passed as read.

Section 19 was read.

Mr. McKinnon moved to amend as follows:

Strike out all in line 2 after "necessary" to "one," in 3d line, and insert "there shall be elected."

The question was on the adoption of the amendment;

Which was agreed to, and the amendment was declared adopted.

Section 19 as amended was then passed as amended.

Section 20 was read.

Mr. Hocker offered the following substitute :

In each county where there shall be no County Court, as provided for in section 17 of this Article, the Justices of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed one hundred dollars and in which the cause of action accrued or the defendant resides in his district, and in criminal cases, as may be provided by law, and in counties where County Courts are established, as provided for in section 17 of this Article, every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property does not exceed fifty dollars, and in which the cause of action accrued or the defendant resides in his district, and he shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge for examination and discharge, commitment or bail of the accused. The Justices of the Peace shall have power to hold inquests of the dead.

Mr. Sanchez moved to lay the substitute on the table ;

Which was not agreed to.

Mr. Hocker moved to place the substitute in place of the original and moved the previous question.

The previous question was ordered.

The question was upon placing the substitute in place of the original.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Blackburn, Broome, Clark of Jackson, Duncan, Earle, Edge, Genovar, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Ives, Lesley, Miller, Morgan, Odom, Oliveros, Orman, Pelot, Randall of Madison, Richard, Robertson, Rogers, Rowe, Speer, Stone, Tedder, Tolbert, Tompkins, Wadsworth, Walter, Wilson of Clay, Wyly and Zipperer—40.

Nays—Messrs. Baker, Bell of Hamilton, Bethel, Blount, Bush, Campbell, Carter, Carr, Carson, Challen, Chandler, Coker, Conover, Cook, Davidson, Davis, Fogarty, Fowler, Gibbs, Gillis, Goss, Greeley, Hargret, Hunter, Landrum, Lewis, Lutterloh, Marshall, Maxwell, Milton, Mitchell, McCaskill, McClellan, McKinnon, Neel, Parker, Parsons, Paterson, Randall of Duval, Randolph, Sanchez, Swearingen, Thompson, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Polk and Manatee and Yonge—49.

So the motion to place the substitute in place of the original was not agreed to.

Section 20 was then passed as read.

Section 21 was read.

Mr. Westcott offered to amend as follows :

After "year" in last line add "the counties paying the salaries ;"

Which was agreed to, and the amendment was declared adopted.

Mr. Goss offered to further amend as follows :

After the word "court," in third line, add "who shall be elected by the qualified electors of the county."

Mr. Blount moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid on the table.

Mr. Rogers moved the following amendment :

Add after the word "expedient" in line 2, section 21, the following : "Upon application of a majority of the freeholders of such other counties ;"

Which was agreed to, and the amendment was declared adopted.

Mr. Walker, Jr., moved to reconsider the vote just taken on the amendment offered by Mr. Rogers ;

Which was agreed to.

Mr. Blount then moved to amend as follows :

After word "and," in first line, insert "upon the application of a majority of the freeholders ;"

Which was agreed to, and the amendment was agreed to.

Mr. Carr moved to amend by striking out the word "freeholders" and inserting "majority of the registered voters ;"

Which was not agreed to.

Section 21 was then passed as amended.

Section 22 was read and passed without amendment.

Section 23 was read and passed without amendment.

Section 24 was read.

Mr. McKinnon moved to amend as follows :

Strike out in line 2 all to "and," and insert "elected by the qualified electors in said county."

Upon motion, the amendment was laid upon the table.

The question was then upon the adoption of section 24.

The yeas and nays were called.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blount, Broome, Campbell, Carter, Carson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Green, Hatch, Hausman, Herndon, Hocker, Hope, Lutterloh, Marshall, Maxwell, Milton, Morgan, McClellan, Odom, Parker, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Sanchez, Speer, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Polk and Manatee, Wylly and Yonge—46.

Nays—Messrs. Baker, Bell of Hamilton, Blackburn, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Genovar, Gibbs, Goss, Greeley, Hargret, Henderson, Hicks, Hunter, Ives, Landrum, Lesley, Miller, Mitchell, McCaskill, McKinnon, Neel, Oliveros, Orman, Randall of Duval, Robertson, Rowe, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Walter, Westcott, Wilson of Clay and Zipperer—41.

So the section was passed as stated.

Section 25 was read and passed without amendment.

Section 26 was read and passed without amendment.

Section 27 was read and passed without amendment.

Section 28 was read.

Mr. Mitchell moved to strike out section 28 ;

Which was not agreed to.

Section 28 was then passed without amendment.

Section 29 was read.

Mr. Bell, of Hamilton, offered the following amendment :

Insert "2," in first line, in place of "5."

Mr. Rogers offered to amend the amendment by striking out the word "two" and inserting "four ;"

Which was agreed to.

The amendment as amended was then adopted.

Mr. Miller offered to amend as follows :

Strike out all after the word "Legislature."

Mr. Blount moved to lay the amendment on the table ;

Which was not agreed to and the amendment was adopted.

The question was then upon the adoption of section 29 as amended ;

Which was agreed to and section 29 was so adopted.

Section 30 was read and passed without amendment.

Section 31 was read and passed without amendment.

Section 32 was read and passed without amendment.

Section 33 was read and passed without amendment.

Section 34 was read.

Mr. Fowler moved to strike out section 34 ;

Which was not agreed to.

Mr. Orman offered the following amendment :

Insert after the word "from" the words "long continued," and strike out in line four the word "retire," and insert "remove," and strike out all of the section after the word "Judge" in said line, and insert in lieu thereof the words, "and such removed Judge shall receive no salary from the date of his removal."

Mr. Milton moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Blount, Broome, Campbell, Carter, Challen, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Gibbs, Gillis, Greeley, Hausman, Herndon, Hocker, Hunter, Lesley, Lutterloh, Maxwell, Milton, Mitchell, Morgan, McCaskill, McClellan, Paterson, Pelot, Randall of Duval, Randolph, Richard, Sanchez, Tompkins, Walker, Jr., Walter, Weeks, Wellman, Wilson of Polk and Manatee, Wyly and Yonge—41.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Carr, Carson, Chandler, Conover, Fowler, Genovar, Goss, Green, Hargret, Hatch, Henderson, Hicks, Landrum, Lewis, Miller, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Rogers, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Wadsworth, Westcott, Wilson of Clay and Zipperer—36.

So the motion to lay on the table was agreed to.

Mr. Swearingen offered to strike out all after the word "judge" in line 4.

The motion was made to lay the motion to strike out on the table ;

Which was agreed to.

Mr. Landrum offered to amend as follows :

After the word "office," in line 7, insert "if the Judge should die before the expiration of his term of office his widow shall draw his salary for the unexpired term."

Mr. McClellan moved to lay the amendment on the table ;

Which was agreed to.

Mr. Conover offered the following amendment :

*Provided*, That any Judge holding office at the time of the adoption of this Constitution, whose appointment is for life, and who shall have attained the age of sixty-two years, shall be retired by the Governor upon half the salary of the said office during the remainder of his life.

Mr. Tolbert moved to lay the amendment on the table.



Mr. McClellan moved the adoption of section 34 as read, and moved the previous question.

The previous question was ordered.

The question was upon the adoption of the section.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bethel, Blount, Broome, Campbell, Carter, Challen, Clark of Jackson, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Gibbs, Gillis, Greeley, Hausman, Hernon, Hocker, Hope, Hunter, Ives, Landrum, Lesley, Litterloh, Maxwell, Milton, McCaskill, McClellan, Parsons, Paterson, Pelot, Randall of Duval, Richard, Sanchez, Tompkins, Walker, Jr., Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—45.

Nays—Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Blackburn, Bush, Carr, Carson, Chandler, Fowler, Genovar, Goss, Green, Hargret, Hatch, Henderson, Hicks, Lewis, Miller, Mitchell, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Randell of Madison, Randolph, Rogers, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Wadsworth, Westcott and Zipperer—33.

So section 34 was passed as stated.

Mr. Carter moved that Article XI, on Judiciary Department, be engrossed for a third reading;

Which was agreed to, and it was so ordered.

## ARTICLE XI.

### JUDICIARY DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, Circuit Courts, Criminal Courts, County Courts and Justices of the Peace.

SEC. 2. The Supreme Court shall consist of three Associate Justices, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold their office for the term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years, another to be designated in like manner for four years, and the third for six years, so that one shall be elected every two years after the first election. A Chief Justice shall be designated by lot, by said Justices, and shall be such during his term of office. The first election for said Judges shall take place at the first election for members of the Legislature after the ratification of this Constitution

SEC. 3. No person shall ever be appointed or elected as a Judge of the Supreme Court, Circuit Courts or Criminal Courts who is not twenty-five years of age and an attorney at law.

SEC. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. The concurrence of two Justices shall be necessary to a decision. The number of terms of the Supreme Court and the time of holding the same shall be regulated by law. All terms shall be held at the Capital of the State.

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases at law and in equity originating in Circuit Courts, and of appeal from the Circuit Courts in cases arising before Judges of the County Courts in matters pertaining to their probate jurisdiction and in the management of the estates of infants, and in cases of conviction of felony in the criminal courts, and in all criminal cases originating in the Circuit Courts. The court shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or any Justice thereof, or before any Circuit Judge.

SEC. 6. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a Judge of the Circuit Court to hear and determine any matters pending before the Court in the place of any Justice thereof who shall be disqualified or disabled in such case from interest or other cause.

SEC. 7. The Supreme Court shall appoint a Clerk who shall have his office at the Capital, and shall be Librarian of the Supreme Court Library.

SEC. 8. There shall be seven Circuit Judges, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold their office for six years. The State shall be divided into seven Judicial Circuits, and one Judge shall be assigned to each Circuit. Such Judge shall hold at least two terms of his court in each county within his Circuit each year, at such times and places as shall be provided by law, and may hold special terms. The Governor may, in his discretion, order a temporary exchange of Circuits by the respective Judges, or order any Judge to hold one or more terms or parts of terms in any other Circuit than that to which he is assigned. The Judge shall reside in the Circuit of which he is Judge. Success-

sors to the present incumbents shall be appointed and confirmed at the first session of the Legislature after the ratification of this Constitution.

SEC. 9. The salary of the Chief-Justice and Associate Justices of the Supreme Court shall be three thousand dollars per annum. The salary of each Circuit Judge shall be two thousand five hundred dollars per annum.

SEC. 10. Until otherwise defined by the Legislature the several Judicial Circuits of the Circuit Courts shall be as follows:

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington and Jackson.

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

SEC. 11. The Circuit Courts shall have exclusive jurisdiction in all cases in equity, also in all cases at law, not cognizable by inferior courts, and in all cases involving the legality of any tax, assessment or toll; of the action of ejectment and of all actions involving the titles or boundaries of real estate and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the Legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the County Court, or before the County Judge, of all misdemeanors tried in Criminal Courts, of judgments or sentences of any Mayor's Court, and of all cases arising before Justices of the Peace in counties in which there is no County Court, and supervision and appellate jurisdiction of matters arising before County Judges pertaining to their probate jurisdiction or to the estates and interests of minors, and of such other matters as the Legislature may provide. The Circuit Courts and Judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition,

habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.

SEC. 12. The Circuit Courts and Circuit Judges may have such extra territoria jurisdiction in chancery cases as may be provided by law.

SEC. 13. It shall be the duty of the Judges of the Circuit Courts to report to the Attorney-General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention and to suggest such amendments or additional Legislation as may be deemed necessary. The Attorney-General shall report to the Legislature at each session such Legislation as he may deem advisable.

SEC. 14. A Circuit Judge may appoint in each county in his Circuit one or more attorneys at law, to be Court Commissioners who shall have power in the absence from the county of the Circuit Judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the Circuit Judge. Their orders in such matters may be reviewed by the Circuit Judge, and confirmed, qualified or vacated. They may be removed by the Circuit Judge. The Legislature may confer upon them further powers, not judicial, and shall fix their compensation.

SEC. 15. The Governor, by and with the advice and consent of the Senate, shall appoint a State Attorney in each Judicial Circuit, whose duties shall be prescribed by law. He shall hold office for four years. There shall be elected in each county a Sheriff, and a Clerk of the Circuit Court, who shall also be Clerk of the County Court, except in counties where there are Criminal Courts, and of the Board of County Commissioners, Recorder and *ex-officio* Auditor of the County, each of whom shall hold his office for four years. Their duties shall be prescribed by law.

SEC. 16. There shall be in each county a County Judge, who shall be elected by the qualified electors of said county at the time and places of voting for members of the Legislature and shall hold his office for four years. His compensation shall be provided by law.

SEC. 17. The County Judge shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of such criminal cases as the Legislature may provide. The County Judge shall have jurisdiction of the settlement of the estates of decedents and minors, to order the sale of real estate of minors, to take probate of wills,



to grant letters testamentary and of administration and guardianship and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate and shall issue all licenses required by law to be issued in the county.

SEC. 18. The Legislature may organize in such counties as it may think proper, County Courts, which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the Courts of Justices of the Peace. The trial of such appeals may be *de novo* at the option of appellant. The County Judge shall be the Judge of said Court. There shall be elected by the qualified electors of said county, at the time when the said Judge is elected, a Prosecuting Attorney for said county, who shall hold office for four years. His duties and compensation shall be provided by law. Such courts may be abolished at the pleasure of the Legislature.

SEC. 19. When any civil case at law in which the Judge is disqualified shall be called for trial in a Circuit or County Court the parties may agree upon, or in case they do not agree, the Clerk of the Court shall designate an attorney at law, who shall be Judge *ad litem*, and shall preside over the trial of and make orders in said cause as if he were Judge of the Court. The parties may, however, transfer the cause to another Circuit Court or County Court, as the case may be, or may have the case referred to a referee.

SEC. 20. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. Such referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the clerk, and such cause shall be subject to an appeal in the manner prescribed by law.

SEC. 21. The County Commissioners of each county shall divide it into as many Justice Districts, not less than two, as they may deem necessary. There shall be elected one Justice of the Peace for each of said districts. He shall hold his office for four years.

SEC. 22. Every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed fifty dollars and in which the cause of action accrued, or the defendant resides, in his district. He



shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge for examination and discharge, commitment or bail of the accused. He shall have power to hold inquests of the dead.

SEC. 23. A Constable shall be elected by the registered voters in each Justice's District, who shall perform such duties and under such instructions as may be prescribed by law.

SEC. 24. There shall be established in each of the counties of Duval and Escambia, and upon application of a majority of the freeholders in such other counties as the Legislature may deem expedient, a Criminal Court of Record, and there shall be one Judge for each of said Courts, who shall hold his office for four years and whose salary shall be one thousand dollars per year, the counties paying the salaries.

SEC. 25. The said Courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.

SEC. 26. There shall be six terms of said courts in each year.

SEC. 27. There shall be for each of said Courts a Prosecuting Attorney who shall be appointed by the Governor and confirmed by the Senate and who shall hold his office for four years. His compensation shall be fixed by law.

SEC. 28. All offenses triable in said Court shall be prosecuted upon information under oath to be filed by the prosecuting attorney, but the grand jury of the Circuit Court for the county in which said Criminal Court is held may indict for offenses triable in the Criminal Court. Upon the finding of such indictment the Circuit Judge shall commit or bail the accused for trial in the Criminal Court, which trial shall be upon information.

SEC. 29. The County Courts in said counties shall have no criminal jurisdiction and no Prosecuting Attorney.

SEC. 30. The Clerk of said Court shall be elected by the electors of the county in which the Court is held and shall hold his office for four years and his compensation shall be fixed by law. He shall also be Clerk of the County Court. The Sheriff of the County shall be the executive officer of said Court and his duties and fees shall be fixed by law.

SEC. 31. The State Attorney residing in the county where such court is held shall be eligible for appointment as County Solicitor for said county.

SEC. 32. Such courts may be abolished by the Legislature.

SEC. 33. When the office of any Judge shall become vacant from any cause the successor to fill such vacancy shall be ap-

pointed or elected only for the unexpired term of the Judge whose death, resignation retirement or other cause created such vacancy.

SEC. 34. The Legislature may establish in incorporated towns and cities courts for the punishment of offences against municipal ordinances.

SEC. 35. No courts other than those herein specified shall be organized in this State.

SEC. 36. All judicial officers in this State shall be conservators of the peace.

SEC. 37. The style of all process shall be "the State of Florida," and all prosecutions shall be conducted in the name and by the authority of the State.

SEC. 38. When any Judge of the Supreme or Circuit Courts of this State now in office, or hereafter to be elected or appointed, shall become disabled at any time during his term of office, from sickness, mental disorder, or advanced age, to discharge the duties of his office, the Governor may, by and with the consent of the Senate, retire such Judge; and such retired Judge shall, from the date of his retirement, and for the residue of his unexpired term of office, receive annually a salary to the extent of one-half the annual salary to which he would have been entitled by law had he continued in office. Any Judge thus retired shall be disqualified from the date of his retirement from discharging or performing any of the powers or duties of his office.

SEC. 39. The number of jurors for the trial of causes in any court may be fixed by law, but shall not be less than six in any case.

Mr. Chandler offered the following minority report on Census and Apportionment:

CONVENTION HALL, TALLAHASSEE, FLA., July 25, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Census and Apportionment to whom was referred—

The apportionment of members of the Legislature of the State recommend the following report on the subject of apportionment:

There shall be thirty-two Senatorial Districts, each entitled to one Senator, which Districts shall be designated by their respective numbers, from one to thirty-two inclusive, as follows: The First Senatorial District shall be composed of Escambia county, the Second of Santa Rosa and Walton counties, the Third of Jackson, the Fourth of Washington and Holmes, the Fifth of

Calhoun and Franklin, the Sixth of Gadsden, the Seventh of Liberty and Wakulla, the Eighth of Leon, the Ninth of Jefferson, the Tenth of Madison, the Eleventh of Hamilton, the Twelfth of Taylor and Lafayette, the Thirteenth of Alachua, the Fourteenth of Columbia, the Fifteenth of Bradford, the Sixteenth of Nassau, the Seventeenth of Putnam, the Eighteenth of Duval, the Nineteenth of Marion, the Twentieth of Orange, the Twenty-first of Dade and Brevard, the Twenty-second of Hernando, the Twenty-third of Sumter, the twenty-fourth of Monroe, the Twenty-fifth of Polk, the Twenty-sixth of Suwannee, the Twenty-seventh of Manatee, the twenty-eighth of Clay and Baker, the Twenty-ninth of Volusia, the Thirtieth of Hillsborough, the Thirty-first of St. Johns and the Thirty-second of Levy.

The House of Representatives shall, until the second apportionment under this Constitution, consist of sixty-eight members. At the second apportionment it may be increased to seventy-six. The Legislature at its first session shall apportion the members of the House of Representatives among the several counties according to their population, taking the census of 1885 as a basis. The ratio of representation for the House shall always be ascertained by dividing the total population of the State by the number of which the House is to consist, rejecting fraction, if any, resulting from such division, but every county shall have at least one Representative. The additional representatives necessary to make up the number of which the House is to consist shall be assigned to those counties having the largest fractions unrepresented.

Very respectfully,

H. W. CHANDLER,

H. C. BAKER.

Which was ordered spread upon the Journal.

Mr. Blount offered the following substitute for Article XIV, on Suffrage and Eligibility ;

Which was ordered spread upon the Journal.

## ARTICLE XIV.

### SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of registration, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida

for one year, and in the county for six months, and shall have paid his poll tax for the year in which such election shall be held and for the year preceding, if he was then subject to such tax, shall in such county be deemed a qualified elector at all elections under this Constitution.

SEC. 2. All poll taxes shall be payable on the first day of January of each year. Upon the payment of any poll tax the Tax Collector shall give a receipt therefor, sealed with a seal to be provided for that purpose, and shall register the name and election precinct of the person paying such tax. He shall at each election furnish to the inspectors of election of each precinct a certified list of the qualified voters of that precinct, and no person shall be allowed to vote unless his name shall be on such certified list, or he shall exhibit his poll tax receipt to the inspectors of election.

SEC. 3. Every elector shall, at the time of his registration, take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution of the State of Florida."

SEC. 4. No person shall vote except in the election precinct in which he appears by the register to reside; but the Legislature shall provide an easy method of changing the register so as to conform to an actual change of residence from one precinct to another.

Mr. Miller gave the following notice:

That he would move on Monday to reconsider the vote by which section 34 of Article XI was adopted.

On motion of Mr. McClellan, the Convention adjourned until 9 o'clock A. M. Monday.

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## FORTIETH DAY.

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MONDAY, JULY 27, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carier, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—98.

A quorum present.

Prayer by the Chaplain.

Mr. Walter moved that the reading of the Journal be dispensed with;

Which was agreed to.

The Journal was corrected and approved.

Mr. Campbell was excused for the day.

The following resolution offered by Mr. Turnbull came up for consideration:

*Resolved*, That this Convention do adjourn *sine die* on next Saturday, August 1st, 1885, at 12 o'clock M.

Mr. Cook offered to amend by inserting "Friday" instead of "Saturday";

Which was accepted by Mr. Turnbull.

Mr. Wilson, of Polk, moved to lay the resolution on the table;

Which was agreed to and the resolution was laid on the table.

The roll of counties was called and the following reports submitted:

Mr. Pelot, Chairman of the Committee on Schedule, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Schedule would respectfully report that they have had under careful consideration all such matters



as pertained to their work, and have embodied in the Article herewith submitted such as they conceived proper to be inserted therein, and would recommend its adoption by the Convention.

Very respectfully,

J. C. PELOT,  
Chairman of Committee.

Which was received and placed among the orders of the day.

## ARTICLE NO. —.

### SCHEDULE.

SECTION 1. The Constitution adopted in 1868, with amendments thereto, is declared to be superseded by this Constitution, and it is ordained: That all rights, actions, claims and contracts, both as respects individuals or bodies corporate, shall continue to be as valid as if this Constitution had not been adopted. And all fines, taxes, penalties and forfeitures due and owing to the State of Florida under the present Constitution shall inure to the use of the State under this Constitution.

SEC. 2. All laws now in force not inconsistent with this Constitution shall continue in force until they shall expire by their own limitation or be repealed by the Legislature.

SEC. 3. All persons holding any office or appointment at the ratification of this Constitution shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, and until their successors are elected and qualified, unless by this Constitution otherwise provided.

SEC. 4. Nothing contained in this Constitution shall operate to vacate the office of Lieutenant-Governor until the expiration of his present term.

SEC. 5. All vacancies occurring by limitation of terms before the general elections in 1888 shall be filled as now provided for by law.

SEC. 6. The term of office for all appointees to fill vacancies in any of the elective offices shall extend only to the election and qualification of a successor at the ensuing general election.

SEC. 7. In all cases of elections to fill vacancies in office such election shall be for the unexpired term.

SEC. 8. Upon the ratification of this Constitution the Commissioner of Lands and Immigration shall assume the office of Commissioner of Agriculture, and his duties as such shall be prescribed by the first Legislature assembled under this Constitution.

SEC. 9. A general election shall be held in each county in this State on the first Tuesday after the first Monday in November, 1888, and every two years thereafter, for all elective State and county officers whose terms of office are about to expire, or for any office which shall have become vacant.

SEC. 10. The first election for County Judge, Clerk of the Court, Sheriff, Tax Assessor, Tax Collector, County Treasurer, County Superintendent of Public Instruction, County Surveyor and Constables, shall be at the general election in 1888.

SEC. 11. It shall be the duty of the President of this Convention immediately on its adjournment to certify to the Governor a copy of this Constitution, signed by the members of this Constitution.

SEC. 12. Upon receipt of such certified copy the Governor shall forthwith announce the fact by proclamation, to be published in such newspapers in this State as may be deemed requisite for general information, and five printed copies of such Constitution shall, by the Secretary of State, be transmitted to the Clerk of the Court, and five to the County Judge of each county, which shall be kept on file in their respective offices for examination by any person desiring the same.

SEC. 13. This Constitution shall be submitted to the people of the State of Florida for ratification on the first Tuesday after the first Monday in November, 1886, and it shall require a majority of the votes cast, the ballots of which shall have written or printed upon them the words, "For the Constitution," or "Against the Constitution," to determine its ratification or rejection.

SEC. 14. At such election each qualified elector shall express his assent or dissent to this Constitution by having written or printed upon the ticket which he shall vote the words, "For the Constitution," or "Against the Constitution," such election being the subject of the same regulations and restrictions as are now provided for by law. And in case of its ratification by the people, the Governor shall forthwith cause proclamation to be made of the fact, and it shall go into effect on the first day of January, 1887.

Mr. Oliveros, Chairman of the Committee on Enrollment and Engrossment, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 25, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article 17, on Constitutional Amendments, and Article No. 8, in Relation to Cities and Counties, have examined and compared the same and find them correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.  
THEODORE RANDELL,  
SAMUEL E. HOPE,  
Committee.

Which was read.

Also the following:

CONVENTION HALL, TALLAHASSEE, FLA., July 27, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article No. 6, on Homesteads, and Article No. 16, on Miscellaneous Provisions,

Beg to report that they have examined and compared the same, and find them correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.  
SAMUEL E. HOPE,  
THEODORE RANDELL,  
Committee.

Which was read.

Mr. Conover offered the following resolution:

*Resolved*, That hereafter the calling of the list of committees be dispensed with;

Which was agreed to.

Article VI, on Homestead, came up for consideration on its third reading.

Mr. Oliveros moved to strike out section 6.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Carter, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Jones, Landrum, Lesley, Love, Malore, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Sanchez, Scott, Speer, Stone,

Swearingen, Taylor, Tedder, Tolbert, Turnbull, Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—69.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carson, Chandler, Conover, Davidson, Fowler, Gibbs, Goss, Greeley, Hargret, Ives, Lewis, Lutterloh, Miller, Mitchell, Parker, Petty, Rowe, Thompson, Tompkins, Walker, Jr., and Westcott—25.

So the motion to strike out was agreed to.

The question was then upon the final passage of Article VI.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Bush, Carson, Clarke of Jefferson, Clark of Jackson, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Milton, Morgan, Neel, Odom, Oliveros, Orman, Parker, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Zipperer—68.

Nays—Messrs. Blount, Broome, Challen, Chandler, Coker, Conover, Cook, Fowler, Gibbs, Gillis, Goss, Hargret, Miller, Mitchell, McCaskill, McClellan, McKinnon, Parsons, Randall of Duval, Rogers, Taylor, Walter, Wellman and Yonge—24.

So the Article was passed as stated.

Article XVII, on Amendments to the Constitution, was read a third time.

Mr. Westcott moved to amend section 1 by striking out the words "two-thirds" and inserting the word "majority" in lieu thereof.

Mr. Love moved to lay the motion to amend on the table.

The yeas and nays were called.

The vote was :

Yeas—Messrs. Bennett, Bethel, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Jones, Landrum, Love, Lutterloh, Malone, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Orman, Parker, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Speer, Stone, Swear-

ingen, Wadsworth, Weeks, Wellman, Wilson of Clay and Yonge—50.

Nays—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Blount, Bush, Carter, Challen, Chandler, Earle, Fowler, Gibbs, Goss, Greeley, Hargret, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Lesley, Lewis, Miller, Oliveros, Pelot, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee, Wylly and Zipperer—45.

So the motion to lay upon the table was agreed to.

Mr. Taylor moved to amend Section 1 as follows:

In line 7 of Section 1, after the word "voting" insert "upon such amendment;"

Which was agreed to and the amendment was adopted.

Mr. Rogers offered to amend Section 2 as follows:

Add after the word "Representatives." in 6th line, "and in such counties where no newspaper is published, notice shall be given by posting at the several polling precincts in such counties for six weeks next preceding said election."

Mr. Paterson moved to lay the amendment on the table;

Which was not agreed to.

The question was then on the adoption of the amendment;

Which was agreed to, and the amendment was declared adopted.

Mr. Sanchez offered the following substitute for section 1:

SECTION 1. Ei her branch of the Legislature, at a regular session thereof, may propose amendments to this Constitution, and if the same be agreed to by a majority of all the members elected to each House such proposed amendments shall be entered upon their respective Journals, with the yeas and nays, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice; and if at the Legislature next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority vote of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature may prescribe, and if the people approve and ratify such amendment or amendments by a majority of the electors voting upon such amendment at such election shall adopt such amendment the same shall become a part of the Constitution. Such proposed amendments shall be submitted



so as to enable the electors to vote on each amendment separately.

Mr. Randolph moved to lay the substitute on the table ;  
Which was agreed to.

Mr. Wilson, of Polk and Manatee, offered to amend Section 1 as follows :

Strike out "two-thirds" in line 3, Section 1, and insert "three-fifths."

Mr. Hendley moved to lay the amendment on the table ;  
Which was not agreed to.

The question was then upon the adoption of the amendment ;

Which was agreed to, and the amendment was adopted.

Mr. Taylor moved to amend Section 2 as follows :

Strike out all after the word "revision" in 7th line, and insert in lieu thereof the following: "The Judges of the Supreme Court and the Governor shall appoint a commission to consist of nineteen members to be chosen from the State at large to revise the Constitution, said Commission to complete their labors within six months after their appointment, and the pay of said Commission shall not exceed two hundred and fifty dollars for each member thereof, and the Constitution as revised by such Commission shall be submitted to the people for ratification at the next general election after its completion by such Commission. One hundred copies of this Constitution as revised by such Commission shall be sent to the Clerk of the Circuit Court in each county in the State for general distribution."

Mr. Lesley offered to amend the amendment as follows :

Strike out "members" and insert lawyers."

Which upon motion was laid upon the table.

Mr. Sanchez moved to lay the amendment on the table.

Which was agreed to.

Mr. Mitchell offered to amend section 2 as follows :

Add after "law," in 9th line, "and the Constitution so framed, revised or amended, shall be submitted to the qualified voters for ratification and adoption."

Which was not agreed to.

Mr. Randall moved to adopt Article XVII as amended and moved the previous question.

The previous question was ordered.

Article XVII was again read twice and put upon its passage.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Carter, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Green, Hargret, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Hunter, Jones, Landrum, Love, Lutterloh, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Paterson, Pelot, Randall of Duval, Randall of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—80.

Nays—Messrs. Bush, Challen, Miller, Mitchell, Petty and Walter—6.

So Article XVII was passed as stated.

The following report by the Sergeant-at-Arms was read :

CONVENTION HALL, TALLAHASSEE, FLA., July 26, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

I respectfully state to the Convention in answer to the following :

Mr. Challen offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to make a thorough examination of the roof of the Capitol and of the cisterns from which the water used by the Convention is obtained, and if the water is found to be impure that he furnish pure water from some other source.

The drinking water furnished for the use of the members of the Convention is not gotten from the cisterns about the Capitol, but from a well of pure, wholesome water.

The gardener to the Capitol has been ordered not to give the janitor the key and it is impossible for him to get the cistern water.

I am respectfully,

J. J. THOMPSON,

Sergeant-at-Arms.

Mr. Randall, of Duval, offered the following additional section, to be added to Article XVI, on Miscellaneous Provisions :

Lands sold under any judgment or decree for the payment of money may be redeemed from such sale by the legal or

equitable owner of the whole or any part thereof, or his heirs or assigns, at any time within one year from the day of sale; and any subsequent or junior creditor having a legal or equitable lien upon said lands, or his heirs or assigns, may redeem the same within one month after the expiration of said year, unless the same shall have been redeemed by the owner, his heirs and assigns. The Legislature shall provide the manner of enforcing this section;

Which was referred to Committee on Miscellaneous Provisions.

Article XVI, on Miscellaneous Provisions, was read the third time.

Mr. Mitchell moved to strike out section 20;

Which was not agreed to.

The question was then upon the final passage of Article XVI.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Hunter, Ives, Jones, Landrum, Love, Lutterloh, Mann, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Patterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—74.

Nays—Messrs. Baker, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hargret, Lesley, Miller, Mitchell and Thompson—12.

So Article XVI, on Miscellaneous Provisions, was passed as stated.

The following two sections to Article IX, on Education, were considered on their second reading :

SECTION 14. The Legislature at its first session shall provide for the establishment, maintenance and management of such Normal Schools, not to exceed two, as the interests of public education may demand.

SECTION 15. The Legislature may make provision for the proper adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the citizens of the town of Ocala for the establishment of the East Florida

Seminary in 1852, and conditional upon its location at the said town.

Section 9 was read.

Mr. Blackburn offered the following amendment :

*Provided*, Said Normal School or Schools shall be maintained from the Seminary funds of the State;

Which was not agreed to.

Mr. Bush offered the following substitute for Section 14:

The Legislature shall make provision for the conversion of the "State Agricultural College" into a State University with Agricultural, Literary, Industrial, and Military departments, and with exclusive power to confer the higher degrees; shall provide for connecting and for increasing the efficiency of the East Florida Seminary, located at Gainesville, and the West Florida Seminary, located at Tallahassee, as branches of the State University without changing their locations; and shall provide for a College, Normal School, or branch of the State University for the benefit of the colored youths of the State, and shall provide for the liberal maintenance of the same. Instruction in them shall be free.

Which upon motion was laid upon the table.

Section 14 was then adopted as read.

Section 15 was read and adopted without amendment.

Mr. Yonge moved to waive the rules and take up the two sections just read the second time upon a third reading.

Which was agreed to and the rules were waived.

The two Sections were then read a third time and put upon their passage.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bennett, Bethel, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Coker, Cook, Davidson, Duncan, Earle, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Hocker, Hope, Hunter, Ives, Landrum, Lesley, Lewis, Lutterloh, Maxwell, Miller, Mitchell, McClellan, McKinnon, Neel, Oliveros, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Taylor, Tedder, Thompson, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—70.

Nays—Messrs. Blackburn, Clarke of Jefferson, Clark of Jackson, Davis, Edge, Herndon, Hicks, Jones, Love, Milton, Morgan, Odom, Orman, Richard and Stone—15.



So the Sections were passed as stated.

Article XIII, on Census and Apportionment, came up for consideration on its second reading.

Section 1 was read.

Mr. Wilson, of Polk, moved that the following section 2, of Minority Report of the committee be substituted for section 1, as just read :

The House of Representatives shall, until the second apportionment under this Constitution, consist of sixty-eight members. At the second apportionment it may be increased to seventy-six. The Legislature at its first session shall apportion the members of the House of Representatives among the several counties according to their population, taking the census of 1885 as a basis. The ratio of representation for the House shall always be ascertained by dividing the total population of the State by the number of which the House is to consist, rejecting fraction, if any, resulting from such division, but every county shall have at least one Representative. The additional Representatives necessary to make up the number of which the House is to consist shall be assigned to those counties having the largest fractions unrepresented.

Mr. Landrum moved to lay the substitute on the table ;  
Which was not agreed to.

Pending discussion, on motion of Mr. McClellan, the Convention took a recess until 4 o'clock P. M. to-day.

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#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill,



McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—95.

A quorum present.

Mr. Walter was excused until to-morrow afternoon on account of sickness in his family.

The consideration of Article XIII, on Census and Apportionment, was resumed.

The question was upon placing Section 2 of the Minority Report in place of Section 1 of the Majority Report.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Blackburn, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hargrè, Hunter, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Oliveros, Pelot, Petty, Randall of Duval, Rowe, Thompson, Tolbert, Tompkins, Wilson of Polk and Manatee and Zipperer—30

Nays—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blount, Broome, Carson, Clarke of Jefferson, Clark of Jackson, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parker, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Westcott, Wilson of Clay, Wylly and Yonge—60.

So the question was not agreed to.

Mr. Taylor offered the following substitute for section 1 :

The Legislature at its first revision after the ratification of this Constitution shall apportion the representation in the House of Representatives as near as may be according to population. But each county in the State shall have one Representative, and no county shall have exceeding three Representatives, and the whole number of Representatives shall not exceed sixty-eight.

Mr. Cook offered the following substitute :

SECTION 1. The apportionment of Representatives in the

House of Representatives shall be made from time to time upon the following basis, to-wit: There shall be one Representative for each county, there shall be one additional representative for the first twelve hundred voters from each county, there shall be one other additional representative for the next twenty-four hundred voters, from each county, there shall be one other additional representative for the next thirty-six hundred voters, from each county, and the representation shall be increased by the Legislature upon the addition to its voters of a number double the last preceding number upon which a representative has been allowed, and in forming new counties representation shall be allowed upon the foregoing basis.

Mr. McClellan moved to recommit the entire Article, together with the pending substitutes for section 1, to the Committee on Census and Apportionment;

Which was agreed to.

Article VIII, on Counties and Cities, was read a third time.

Mr. Yonge offered to amend as follows:

Insert "any," between from and county, in section 3, line 7.

Strike out letter "a" before "County Assessor and County Collector and County Treasurer," in section 6, lines 8 and 9, and insert "that of" before "County Assessor," and "who" after Treasurer in same section and lines.

Strike out the word "tax" between the words "Assistant and Assessors," in section 7, line 7.

Insert the words "or appointed after elected," in section 7, line 16;

Which was agreed to, and Article VIII was put upon its final passage.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Green, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zijpperer—73.

Nays—Messrs. Baker, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hargret, Hicks, Lewis, Miller, Mitchell, Petty, Randall of Duval, Thompson and Tompkins—20.

So Article VIII was passed as stated.

The majority and minority reports of the Committee on Census and Apportionment to whom was referred an ordinance looking to a division of the State were read.

Mr. McClellan moved the adoption of the majority report, which was to indefinitely postpone the Ordinance.

Mr. Wylly moved the previous question.

The previous question was ordered.

The majority report was then adopted.

Upon motion the Convention adjourned until 9 o'clock A. M. to-morrow.

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## FORTY-FIRST DAY.

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TUESDAY, JULY 28, 1855.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone,

Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—98.

A quorum present.

Prayer by the Chaplain.

Mr. Green moved that the reading of the Journal be dispensed with ;

Which was agreed to.

Hon. Mr. Rush, of Alachua, was invited to a seat within the bar.

Mr. Petty was excused for the day.

The Journal was corrected and approved.

Mr. Rogers offered the following resolution :

WHEREAS, Under the most strict economy the expenses of this Convention have exceeded the amount appropriated by the Legislature, viz: \$35,000 ; and *Whereas*, The State officials decline to pay the expenses of this Convention to an amount exceeding the sum appropriated therefor ; therefore, be it

*Ordained*, That the President of this Convention be and he is hereby authorized to appoint a committee of five, he (the President) to be chairman of said committee, whose duty it shall be to consider and provide ample ways and means to negotiate the loan of a sufficient sum of money to defray the expenses of this Convention ;

Which was laid over under the rules.

Mr. Love, Chairman of the Committee on Miscellaneous Provisions, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 28, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Miscellaneous Provisions to whom was referred—

Additional section No. 10, in relation to the State University, by Mr. Walker, Jr., respectfully report that they find that said institution is a private one operated solely by private enterprise, and the State having no monetary interest therein whatever, your committee cannot see the justice or propriety of assuming the management and control of the same by the State. Your committee, therefore, recommend that said additional section be laid on the table. Your committee have also examined additional section in relation to the redemption of lands sold under legal process, by Mr. Randall, and recommend

that it do not pass. Also additional section in relation to condemning private property for corporate purposes, by Mr. Walker, Jr., of Leon, has been duly considered, and your committee respectfully recommend the adoption of the accompanying section as a substitute for the original.

Very respectfully,

E. C. LOVE,  
Chairman of Committee.

Which was received and placed among the orders of the day.

SECTION —. No private property nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by a deposit of money, which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by a jury of twelve men in a court of competent jurisdiction as shall be prescribed by law.

Mr. Broome, Chairman of the Committee on Expenditures, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 28, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Expenditures, to whom was referred—

Section two of their former report for the purpose of conferring with the Governor and Comptroller of the State in regard to the means of paying the expenses of this Convention ;

Beg leave to report that they have been assured by the Governor that he would not consent to pay any money from the Treasury except such as had been appropriated by the last session of the Legislatnre, and they therefore herewith report back for your consideration, sections 2, 3, 4 and 5, which they ask to have added to section one (1) of their former report already adopted.

Very respectfully.

JOHN D. BROOME,  
Chairman Committee.

Which was received, and the accompanying section read as follows, and ordered spread upon the Journal and placed among the orders of the day :

SEC. 2. The pay of the Secretary and Assistant Secretary of the Convention, and all the Clerks elected by the Convention, shall be six (\$6.00) dollars per diem each, allowing the Secre-



tary and Assistant Secretary one day after adjournment to complete unfinished business; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the Chairman of the Committee; the pay of the Sergeant-at-Arms shall be six (\$6.00) per diem, and Assistant Sergeant-at-Arms shall be five (\$5.00) dollars per diem; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each; the pay of the Doorkeeper shall be five (\$5.00) dollars per diem; the pay of Pages shall be three (\$3.00) per diem each; the pay of the Janitor shall be two (\$2.00) dollars per diem; the pay of the Chaplain shall be one hundred dollars; the Recording Clerk shall complete his work after the adjournment of the Convention, under the supervision of the Secretary of State, and shall be paid for the same at six dollars (\$6.00) per day for each day required to complete his work. Eighteen dollars shall be paid W. R. Carter for services as Assistant Secretary for three days. Messrs. Dorr & Bowen shall be paid for printing the amount approved by the Committee on Printing, certified by the President and Secretary of the Convention.

SEC. 3. The Comptroller is required to draw his warrant on the Treasurer in favor of all parties mentioned in sections one and two, for their pay pro rata as the amount appropriated by the Legislature for the expenses of this Convention, after deducting pay for incidental expenses and mileage of members, bears to the whole expense in said sections one and two aforesaid.

SEC. 4. The President is authorized on behalf of this Convention to issue certificates signed by himself and countersigned by the Secretary to each of the members, attaches and others mentioned in sections one and two, for the amount remaining due to each on account of the deficiency of the Legislative appropriation for expenses of this Convention.

SEC. 5. The Legislature shall make an appropriation at its next session to pay said certificates.

Mr. Oliveros, Chairman of the Committee on Enrollment and Engrossment, made the following report:

CONVENTION HALL,                    }  
TALLAHASSEE, FLA., July 28, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article No. 11, on Judiciary, report same correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

Which was received and placed among the orders of the day.

Mr. Caloway, Assistant Sergeant-at-Arms, was indefinitely excused on account of sickness.

Article —, on Schedule, was read the first time by its title, and placed among the orders of the day for a second reading.

Mr. Walker, Jr., moved that the rules be waived and the additional section to Article XVI, as reported by the committee this morning, be read the first time ;

Which was agreed to.

The additional section to Article XVI was then read the first time and placed among the orders of the day for a second reading.

Article XI, on Judiciary Department, came up for consideration on the third reading and was read a third time.

Mr. Malone offered to amend section 2 as follows :

Insert after the word “ years,” on fourth line, the following :  
“ And until their successors are elected and qualified ; ”

Which was agreed to, and the amendment was declared adopted.

Mr. Sanchez offered to amend section 2 as follows :

Amend by adding at the end of section 2 the following :  
“ And their term of office shall begin on the first Tuesday after the first Monday in January after their election ; ”

Which was agreed to, and the amendment was declared adopted.

Mr. Yonge offered the following substitute for section 2 :

#### SUBSTITUTE FOR SECTION 2.

SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold their office for the term of six years. Their term of office shall begin on the first Monday in January after their election. The first election for said Judges shall take place at the first election for members of the Legislature after the ratification of this Constitution.

The question was upon placing the substitute in place of the original.

Mr. Paterson offered the following amendment to the substitute :

In section 2 after "elected," in 5th line, insert "when one shall be elected for two years, and one for four years, and one for six years, the senior in age shall be chief Justice, and thereafter on all elections the senior justice shall be chief justice." Strike out to "office" in the eleventh line.

Mr. Wylly moved to lay the amendment to the substitute on the table ;

Which was agreed to, and the amendment to the substitute was laid on the table.

Mr. Sanchez moved the previous question ;

Which was ordered.

The main question was upon placing the substitute in place of the original ;

Which was not agreed to.

Mr. Paterson moved to strike out the words "by lot," in lines 5, 6 and 10, in section 2.

Mr. Walker, Jr., moved to lay the motion to strike out on the table ;

Which was agreed to, and the motion to strike out was laid upon the table.

Mr. Blount moved to amend section 24 as follows :

Insert in line 5, section 24, after the word "courts," the words "who shall be appointed by the Governor and confirmed by the Senate."

Mr. Oliveros moved to amend the amendment as follows :

In section 24, third line, after the word "courts," insert "elected by the qualified electors of said county."

Mr. Wilson, of Polk, moved to lay the amendment to the amendment on the table ;

Which was agreed to, and the amendment to the amendment was laid on the table.

The question was upon the adoption of the amendment offered by Mr. Blount.

Mr. Walker, Jr., offered to amend the amendment as follows :

Be elected by the Legislature.

Mr. Blount moved to lay the amendment to the amendment on the table ;

Which was agreed to, and the amendment to the amendment was laid upon the table.

Mr. Hicks offered to amend the amendment as follows :

To be elected or appointed as the Legislature may authorize.

Mr. Blount moved to lay the amendment to the amendment on the table ;

Which was agreed to, and the amendment to the amendment was laid upon the table.

Mr. Blount moved the adoption of his amendment and moved the previous question.

The previous question was ordered.

The question was upon the adoption of the amendment offered by Mr. Blount ;

Which was agreed to, and the amendment was declared adopted.

Mr. Thompson offered to amend section 24, as amended, as follows :

Add : " Upon the recommendation of the delegation representing the county in the Legislature at the time of the appointment of said Judges.

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid on the table.

Mr. Gillis offered the following amendment :

Amend section 24 as follows : In third line strike out the word " free-holders " and insert the words " registered voters ;"

Which was not agreed to.

Mr. Rogers offered to amend section 18 as follows :

Add after the word " proper," in line 2, the following : " Upon application of a majority of the free-holders of such counties."

Mr. Carter moved to lay the amendment on the table ;

Which was not agreed to.

Mr. Mitchell offered to amend the amendment by striking out the words " free-holders " and inserting the words " registered voters ;"

Which was not agreed to.

The question was then upon the adoption of the amendment offered by Mr. Rogers ;

Which was agreed to and the amendment was declared adopted.

Mr. Malone offered the following amendment to Section 21, and moved its adoption :

Strike out all after the word " necessary " in the third line to the word " for " in the fourth line, and insert in lieu thereof

“the Governor shall commission upon recommendation of the grand jury of the county one Justice of the Peace.”

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blount, Broome, Clarke of Jefferson, Clark of Jackson, Coker, Davis, Duncan, Earle, Hausman, Hocker, Hope, Johnston, Jones, Love, Malone, Maxwell, Milton, McClellan, Odom, Parkhill, Paterson, Pelot, Randell of Madison, Richard, Rogers, Scott, Taylor, Turnbull, Wadsworth, Wilson of Polk and Manatee and Yonge—34.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Bush, Carter, Carr, Carson, Challen, Chandler, Conover, Davidson, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Humphries, Hunter, Ives, Landrum, Lesley, Lutterloh, Miller, Mitchell, Morgan, McCaskill, Neel, Oliveros, Orman, Parker, Parsons, Randall of Duval, Randolph, Robertson, Rowe, Sanchez, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Walker, Jr., Weeks, Westcott, Wilson of Clay, Wyly and Zipperer—61.

So the amendment was not agreed to.

Mr. Sanchez moved to reconsider the vote by which section 18 was amended.

Mr. Rogers moved to lay the motion on the table ;

Which was not agreed to.

The question was then upon the motion to reconsider ;

Which was agreed to, and the vote was reconsidered.

The amendment offered by Mr. Rogers was again read.

Mr. Sanchez moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid upon the table.

Mr. Greeley moved to amend section 24 as follows :

Strike out in section 24, from “each” in 1st line to “Escambia,” including “each of the counties of Duval and ;”

Which was agreed to and the section was so amended.

Mr. Challen offered to amend section 17 as follows :

Insert the words “decedents and” before the word “minors,” in the eighth line of section 17 ;

Which was agreed to and the section was so amended.

Mr. Sanchez offered the following amendment to section 19 :

On third line strike out from “upon” to “an” on fourth line ;



Which was agreed to, and the section was so amended.

Mr. Carter gave notice that he would move at the proper time to reconsider the vote by which the amendment offered by Mr. Malone to section 18 was lost.

Mr. Johnston moved to reconsider the vote by which the amendment offered by Mr. Gillis to section 24 was lost ;

Which was agreed to, and the vote was reconsidered.

The amendment offered by Mr. Gillis was then read again and adopted.

Mr. Randell, of Madison, offered to amend section 16 as follows :

In line 3 strike out "members of the Legislature," and insert "other county officers ;"

Which was agreed to, and the section was so amended.

Mr. Thompson moved to amend section 11 as follows :

In line 1 insert "original ;"

Which was agreed to and the substitute was so amended.

Mr. Paterson offered to amend section 14 as follows :

In lines 9 and 10, of section 14, strike out the words "not judicial."

Mr. Blount moved to lay the amendment on the table ;

Which was agreed to.

Mr. Taylor offered the following amendment to section 8 :

In the 11th line of section after the period (.) following the word "Judge," insert "successors to the Judges of the Circuit Courts now in office shall be appointed and confirmed at the first session of the Legislature after the ratification of this Constitution ;"

Which was agreed to and the section was so amended.

Mr. Bell, of Hamilton, offered the following substitute to section 27 :

There shall be for each of said courts a Prosecuting Attorney, who shall be elected by the qualified electors of said counties, and who shall hold their offices for two years. Their compensation shall be fixed by the County Commissioners of said counties.

Mr. Yonge moved to lay the substitute on the table ;

Which was agreed to, and the substitute was laid upon the table.

Mr. Miller offered to amend section 38 as follows :

Strike out in section 38 the words "by and with the consent of the Senate."

Mr. Thompson offered the following amendment :

Add after Mr. Miller's amendment the following: "*Provided*, The Governor shall lay the matter of retiring Judges as herein mentioned before the next session of the Senate."

The question was upon the motion of Mr. Miller to strike out;

Which was agreed to, and the section was so amended.

Mr. Challen offered to amend section 38 as follows:

*Provided*, That the Governor shall report such retirement to the Senate at its first session and if the Senate refuses to consent to such retirement such Judge shall be restored to office;

Which was agreed to, and the section was so amended.

Mr. Rogers offered to amend section 38 as follows:

Strike out all after words "restored to office," line 6, section 38, to last of line 10.

Mr. Carter moved to lay the amendment on the table;

Which was not agreed to, and the question was upon the adoption of the amendment offered by Mr. Rogers;

Which was agreed to, and section 38 was so amended.

Mr. Carter moved to reconsider the vote by which the amendment offered by Mr. Malone to section 21 was lost.

Mr. Humphries moved to lay the motion to reconsider on the table;

Which was agreed to.

Mr. Randall, of Duval, moved to strike out section 38 as amended;

Which was agreed to and section 38 was stricken out.

Mr. Hocker offered the following substitute for section 22:

In each county where there shall be no County Court, as provided for in section 18 of this Article, the Justices of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed one hundred dollars and in which the cause of action accrued or the defendant resides in his district, and in criminal cases, as may be provided by law, and in counties where County Courts are established, as provided for in section 18 of this Article, every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property does not exceed fifty dollars, and in which the cause of action accrued or the defendant resides in his district, and he shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge for examination and discharge, commitment or bail of the accused. The Justices of the Peace shall have power to hold inquests of the dead.

Mr. Bethel moved the adoption of the substitute, and moved the previous question.

The previous question was called.

The question was upon placing the substitute for section 22 in place of the original.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bennett, Bethel, Blackburn, Broome, Carson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Genovar, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Ives, Lesley, Lewis, Love, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parsons, Pelot, Randell of Madison, Richard, Rogers, Scott, Speer, Swearingen, Tedder, Thompson, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wyly and Zipperer—54.

Nays—Messrs. Baker, Bell of Hamilton, Bush, Carter, Carr, Challen, Chandler, Clarke of Jefferson, Conover, Edge, Gibbs, Gillis, Goss, Hargret, Hunter, Jones, Landrum, Malone, Maxwell, Miller, Mitchell, Parkhill, Pater-son, Randall of Duval, Robertson, Rowe, Sanchez, Stone, Taylor, Tolbert, Walker, Jr., Wilson of Polk and Manatee and Yonge—33.

So the substitute was placed in lieu of the original.

Mr. Malone offered the following amendment to the substitute just made for the original:

Appeals from Justice Courts to Circuit Courts in criminal cases shall be tried *de novo* under such regulations as the Legislature may prescribe;

Which was accepted by Mr. Hocker.

Mr. Landrum offered the following amendment:

Amend by striking out "one hundred" and inserting "fifty;"

Which was not agreed to.

Mr. Thompson offered to amend as follows:

*Provided*, No person shall be eligible to the office of County Judge or Justice of the Peace without a fair education and a thorough knowledge of the law. Attorneys at law, if the Legislature in its wisdom shall so decide, shall constitute such qualifications as required by the provisions of this section.

Pending discussion the Convention took a recess until 4 o'clock P. M. to-day.

## FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Luterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—100.

A quorum present.

The consideration of Article XI, on Judiciary, was resumed. Section 22 as amended was pending.

The amendment offered by Mr. Thompson was again read as follows :

*Provided*, No person shall be eligible to the office of County Judge or Justice of the Peace without a fair education and a thorough knowledge of the law. Attorneys at law, if the Legislature in its wisdom shall so decide, shall be persons having sufficient qualifications as required by the provisions of this section.

Mr. Hocker moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Sanchez offered the following amendment to section 22, as amended by Mr. Hocker :

Insert in sixth line after the word "such" after "cases"  
"excepting felonies ;"

Which was agreed to.

Mr. Walker offered the following substitute :

The County Commissioners of each county shall divide the county as near as may be into two equal districts having regard in making each division both to population and territorial lim-



its, and one Justice shall be elected for each district. Such Justices shall be known as Trial Justices, and shall have jurisdiction at law in cases in which the amount or value involved does not exceed three hundred dollars; and in criminal cases their powers shall be fixed by law. There shall also be not less than two or more than three other Justices of the Peace in each county who shall have jurisdiction in criminal cases to bail and commit persons charged with the commission of crimes cognizable in other courts. Such last mentioned Justices shall be eligible to appointment as Trial Justices. The County Judges shall also have power to exercise the powers of Justices of the Peace, to bail and commit persons accused of crimes cognizable in their own or other courts, and such Judges shall also be eligible to appointment as Trial Justices;

Which was not agreed to.

Mr. Tolbert moved the aboption of section 22 and moved the previous question.

The previous question was ordered.

The question was then upon the adoption of the section as amended;

Which was agreed to, and the section as amended was declared adopted.

Mr. Randall, of Duval, offered to amend Article XI as follows:

Strike out sections 24 to 31 inclusive, and insert: SECTION —. The Legislature may establish criminal courts in such counties as it may deem necessary, with such jurisdiction and powers as may be provided by law. Prosecutions in said courts may be by information;

Which was withdrawn.

Mr. Sanchez moved the adoption of Article XI, on Judiciary, as amended, and moved the previous question.

The previous question was ordered.

The question was upon the final passage of the Article.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blount, Broome, Bush, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hausman, Hendley, Herndon, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Mann, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parker,



Parkhill, Paterson, Pelot, Randell of Madison, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—73.

Nays—Messrs. Baker, Blackburn, Chandler, Fowler, Gibbs, Goss, Greeley, Hargret, Henderson, Hicks, Lesley, Lewis, Miller, Mitchell, McKinnon, Oliveros, Petty, Randall of Duval, Randolph, Thompson, Tompkins, Walter, Westcott and Zipperer—24.

So Article XI, on Judiciary Department, was passed as stated.

Article XIV came up for consideration on its second reading.

Section I was read

Mr. Blount offered the following four sections as a substitute for section 1 :

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of registration, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, and shall have paid his poll tax for the year in which such election shall be held and for the year preceding, if he was then subject to such tax, shall in such county be deemed a qualified elector at all elections under this Constitution.

SEC. 2. All poll taxes shall be payable on the first day of January of each year. Upon the payment of any poll tax the Tax Collector shall give a receipt therefor, sealed with a seal to be provided for that purpose, and shall register the name and election precinct of the person paying such tax. He shall at each election furnish to the inspectors of election of each precinct a certified list of the qualified voters of that precinct, and no person shall be allowed to vote unless his name shall be on such certified list, or he shall exhibit his poll tax receipt to the inspectors of election.

SEC. 3. Every elector shall, at the time of his registration, take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution of the State of Florida."

SEC. 4. No person shall vote except in the election precinct in which he appears by the register to reside; but the Legislature shall provide an easy method of changing the register so as to conform to an actual change of residence from one precinct to another.

Mr. Mann moved to indefinitely postpone the substitute.

Mr. Blount withdrew the substitute for the present, and moved the following resolution and asked that it be considered instead of the question pending:

*Resolved*, That the payment of a poll tax shall be a prerequisite to voting at any election in this State.

Mr. Baker claimed that the motion could only be entertained by suspending the rules.

The President ruled that the House could, if it saw fit, entertain the motion without the suspending of the rules.

Mr. Baker appealed from the decision of the Chair.

The question was, shall the decision of the Chair be sustained?

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Blount, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Green, Hausman, Hocker, Hope, Ives, Johnston, Jones, Love, Litterloh, Malone, Milton, Morgan, McClellan, Neel, Odom, Orman, Parker, Parkhill, Paterson, Pelot, Randall of Madison, Richard, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wilson of Clay, Wilson of Polk and Manate, Wylly and Yonge—49.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Bush, Carr, Challen, Chandler, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Hendley, Lesley, Lewis, Mann, Miller, Mitchell, Oliveros, Parson's, Petty, Randall of Duval, Randolph, Rogers, Rowe, Thompson, Tolbert, Tompkins, Walker, Jr., and Walter—31.

So the decision of the Chair was sustained.

Mr. Blount withdrew the resolution.

The question was upon section 1 of Article XIV as reported by the committee.

Mr. Parsons offered the following amendment to section 1:

After the words "offer to vote," in 6th line, insert "and shall have paid all capitation taxes that shall have been assessed against him for the two years next preceding."

Pending discussion the Convention took a recess until 8 P. M., this evening.

## EIGHT O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll was called and the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walter, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—95.

A quorum present.

The consideration of Article XIV was resumed.

The question was upon the adoption of the amendment offered by Mr. Parsons.

Mr. Parsons asked to amend his amendment by striking out the words " for the two years next preceding ; "

Which was agreed to.

Mr. Wilson offered the following amendment to the amendment :

*Provided*, The Legislature shall so prescribe.

Pending discussion, the Convention adjourned until 9 o'clock A. M. to-morrow.

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## FORTY-SECOND DAY.

WEDNESDAY, JULY 29, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyll, Yonge and Zipperer—100.

A quorum present.

Prayer by the Chaplain.

Mr. Fowler moved that the reading of the Journal be dispensed with :

Which was agreed to.

The Journal was corrected and approved.

Mr. Landrum was excused for the day.

Mr. Campbell was indefinitely excused on account of sickness.

Mr. Fowler offered the following resolution :

*Resolved*, That this Convention request the State Treasurer to present to this body a statement in detail showing what amount of the appropriation made by the Legislature for this Convention has been paid out and for what purposes has it been paid, and by what authority :

Which was read.

Mr. Challen moved to suspend the rules that the resolution might be considered immediately :

Which was agreed to, and the resolution was adopted.

The following ordinance offered by Mr. Rogers on yesterday came up for consideration :

WHEREAS, Under the most strict economy the expenses of this Convention have exceeded the amount appropriated by the Legislature, viz: \$35,000; and *Whereas*, The State officials decline to pay the expenses of this Convention to an amount exceeding the sum appropriated therefor; therefore, be it

*Ordained*, That the President of this Convention be and he is hereby authorized to appoint a committee of five, he (the President) to be chairman of said committee, whose duty it shall be to consider and provide ample ways and means to negotiate the loan of a sufficient sum of money to defray the expenses of this Convention.

Mr. Rogers moved that the rules be suspended and the ordinance be read the first time;

Which was agreed to, and the ordinance was read the first time and passed for a second reading.

Mr. Lesley, of the majority of the Committee on Census and Apportionment, reported the following Substitute for Article XIII:

## CENSUS AND APPORTIONMENT.

### SUBSTITUTE FOR ARTICLE XIII.

SECTION 1. The Senators representing the odd numbered districts, as said districts are now designated, whose terms have not expired, and those Senators representing even numbered districts, to be elected in the year A. D. 1886, under the Constitution of 1868, shall be the first Senate under this Constitution, and the members of the Assembly to be elected in the year 1886 shall be the first House of Representatives under this Constitution, and the Senate and House of Representatives thus constituted shall be the first Legislature under this Constitution, and the terms of office of each of the said Senators and members of the House of Representatives shall expire at the election for Senators and members of the House of Representatives in the year A. D. 1888, and in that year a new Senate and House of Representatives shall be elected.

SEC. 2. The Legislatures which convene in the year 1889 and thereafter shall consist of not more than thirty-two (32) members of the Senate, and of not more than sixty-eight (68) members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years, except as hereafter provided, the elections for members of the Senate and House of Representatives to take place at the same time and place. The terms of Senators elected in 1888 from districts designated by even numbers, shall expire at the expiration of two years from that date, and thereafter all Senators shall be elected for four years, so that one-half of the whole number shall be elected biennially.

SEC. 3. The Legislature which shall meet in the year A. D. 1887, and those which shall meet every ten years thereafter,



shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two (32) members, and at the same time shall also apportion the representation in the House of Representatives, the whole number of Representatives not to exceed sixty-eight (68) members. The representation in the House of Representatives shall be apportioned among the several counties as near as possible according to population ; *Provided*, Each county shall have one representative at large in the House of Representatives.

SEC. 4. When any Senatorial District shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county which may be created shall be entitled to one Representative in the House of Representatives until the next apportionment thereafter, and be assigned to one of the adjoining Senatorial Districts as shall be determined by the Legislature ;

Which was read and placed among the orders of the day.

Mr. McClellan, Chairman of the Committee on Census and Apportionment, reported the following minority substitute for Article XIII :

CONVENTION HALL, TALLAHASSEE, FLA., July 28, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : A minority of the Committee upon Census and Apportionment beg leave to dissent from the report of the majority upon the Article upon Census and Apportionment recommitted, and the substitute thereto that was recommitted to said committee. They beg leave to report the adoption of sections one and two of the majority of said committee as first reported, and the adoption of the accompanying substitutes for sections 3 and 4, and that section 5 of the original Article as originally reported by the majority of the committee be adopted.

They also report an independent section as to the members of the Legislature of 1887 ;

Very respectfully,

J. F. McCLELLAN,

Chairman of Committee.

T. L. CLARKE,

W. B. TEDDER,

JNO. B. JOHNSTON,

JAS. P. COKER.

Which was read, ordered spread upon the Journal and placed among the orders of the day.

SEC. 3. The Legislature of the State of Florida in the year of our Lord one thousand eight hundred and ninety-five, and every ten years thereafter, shall cause an enumeration to be made of all the inhabitants of the State of Florida by counties and shall at the first regular session after the year one thousand eight hundred and eighty-eight proceed to apportion the representation among the different counties of the State, giving to each county one Representative at large and such additional Representatives as the Legislature shall think proper, the whole number not to exceed sixty-eight. And a like apportionment shall be made every ten years thereafter.

SEC. 4. The Legislature of the State of Florida under this Constitution shall consist of not more than thirty-two Senators and after 1886 of sixty-eight Representatives. The Representatives shall be elected for two years and the Senators shall be chosen for the term of four years at the same time and place as members of the House of Representatives. *Provided*, That the Senators (elected in 1888 at the first election) from the Senatorial districts designated by even numbers shall vacate their seats at the expiration of two years, and thereafter all Senators shall be elected for the term of four years so that one-half of the whole number shall be elected biennially. The apportionment of State Senators shall never be less than one-fourth nor more than one-third of the whole number of the members of the Legislature.

SEC. 5. The Senators that now hold over and the Senators and Assembly who shall be elected at the general election of 1886 shall constitute the Legislature to be held in 1887, and shall hold their seats as members of the Legislature until the Senators and Representatives elected under this Constitution at the general election to be held in 1888 are elected and qualify.

Mr. Sanchez, Chairman of the Committee on Judicial Department, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 28, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Judicial Department, to whom was referred—

The additional section to Article XVI, offered by Mr. Challen,

Beg leave to report that they have examined and considered the same and recommend that the same be laid upon the table,

and recommend that the substitute herewith submitted be adopted in lieu thereof.

Very respectfully,

E. C. F. SANCHEZ,  
Chairman Committee.

Which was read and placed among the orders of the day.

Additional Section to Article XVI, reported by Committee on Judicial Department:

SEC. —. The Legislature may provide for the drainage of the land of one man over or through that of another, and for just compensation therefor to the owner of the land over which such drainage is had.

Mr. Challen offered the following additional section to Article XVI, which was referred to the Committee on Miscellaneous Provisions:

When any officer shall become disabled during his term of office from sickness, mental disorder or accident, and therefore unable to perform the duties of said office, and such duties may not be performed by a deputy, the Governor may appoint an officer *pro tempore* to perform such duties until such disability cease, provided that the Governor shall report his proceedings in such cases to the next Legislature for such action as it may deem proper.

Mr. Blackburn offered the following additional section to Article XVI, which was referred to the Committee on Miscellaneous Provisions:

All county officers who may receive a stated salary shall be paid only from the funds raised by their several counties for such special purpose.

Mr. Broome, Chairman of the Committee on Expenditures asked that the report offered by him on yesterday be read a second time;

Which was agreed to, and section 2 was read and passed without amendment.

Section 3 was read.

Mr. Walker, Jr., offered the following substitute:

The Comptroller is required to draw his warrant on the Treasurer in favor of the officers and employees of this Convention for the full amount allowed them by section 2, and to each delegate of this Convention for his *pro rata* share of the amount appropriated by the Legislature, after deducting from said amount the amount due said employees and all

other expenses including mileage of members incurred by this Convention.

The question was upon placing the substitute in place of the original ;

Which was agreed to.

The question was then upon the passage of the substitute as the original ;

Which was agreed to, and the substitute was passed as the original.

Section 4 was read.

Mr. Miller offered the following amendment :

Said certificates so issued by the President and Secretary shall be receivable by all officers of the State for State and county taxes and all dues to the State.

Mr. Bush offered the following amendment to the amendment :

Add after "Convention," in sixth line, "Said certificates shall draw interest at the rate of seven per cent. per annum from date of issue ;"

Which was accepted by Mr. Miller.

The question was upon the adoption of the amendment as amended.

Mr. Turnbull moved that the amendment be divided and adopted by clauses ;

Which was agreed to.

The first subdivision was read and lost.

The second subdivision was read and lost.

Mr. Rogers offered the following substitute to section 4 :

WHEREAS, Under the most strict economy the expenses of this Convention have exceeded the amount appropriated by the Legislature, viz: \$35,000; *and whereas*, the State officials decline to pay the expenses of this Convention to an amount exceeding the sum appropriated therefor; therefore, be it

*Ordnained*, That the President of this Convention be and he is hereby authorized to appoint a committee of five, he (the President) to be chairman of said committee, whose duty it shall be to consider and provide ample ways and means to negotiate the loan of a sufficient sum of money to defray the expenses of this Convention.

Mr. Rogers withdrew his amendment.

Mr. Parsons offered the following substitute :

Be it ordained by the people of the State of Florida represented in Constitutional Convention :

SEC. 1. That the Comptroller shall draw, the Governor shall countersign, and the Treasurer shall pay, warrants for the amount due to members of this Convention for their mileage and per diem, and the warrants for the amounts due to the employees and for the expenses of this Convention.

SEC. 2. *Be it further ordained*, That section, 16 of Article 10, of the Constitution of 1868, is hereby suspended so far as its operation conflicts and only so far it conflicts with the first section of this ordinance.

SEC. 3. *Be it further ordained*, That this ordinance shall go into effect at once.

Mr. Conover made the following motion :

That the subject matter of defraying the expenses of this Convention be referred to a committee to consist of Messrs. Blount, Parsons, Rogers, Randall, of Duval, and Broome.

Mr. Hicks moved to lay the motion on the table ;  
Which was not agreed to.

The question was then on the adoption of the motion ;  
Which was agreed to, and the motion was adopted.

The further consideration of the report was postponed until the report of the Special Committee is received.

The Convention then resumed the consideration of Article XIV on Suffrage and Eligibility.

The pending question was upon the adoption of the amendment offered by Mr. Parsons on yesterday as follows :

After the words " offer to vote," in 6th line, insert " and shall have paid all capitation taxes that shall have been assessed against him."

And amended as follows by Mr. Wilson, of Polk :

" *Provided*, The Legislature shall so prescribe."

The following substitute offered by Mr. Yonge was also read :

In line 6, after the word " vote," insert the following : " and who, if he be liable to pay a poll tax, shall have paid the same for the year in which such election shall be held, and for the year preceding if he were then subject to such tax.

The question was upon the adoption of the amendment to the amendment offered by Mr. Wilson, of Polk.

The yeas and nays were called.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Blackburn, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Henderson, Hicks,



Hope, Humphries, Hunter, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Oliveros, Orman, Petty, Randall of Duval, Randolph, Rogers, Rowe, Sanchez, Tedder, Thompson, Tolbert, Tompkins, Walter, Westcott, Wilson of Polk and Manatee and Zipperer—44.

Nays—Messrs. Bennett, Bethel, Blount, Broome, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gibbs, Gillis, Hausman, Hendley, Herndon, Hocker, Johnston, Jones, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Parker, Parkhill, Parsons, Paterson, Randell of Madison, Richard, Robertson, Scott, Sheats, Speer, Stone, Taylor, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wyly and Yonge—50.

Excused from attendance—Messrs. Bell of Brevard and Dade, Campbell, Landrum, Marshall, Monsalvatge, Wall and Whitmire—7.

Not voting—Messrs. Carter, Genovar, Ives, Lutterloh, Pelot and Swearingen—6

So the amendment to the amendment was not agreed to.

The question was then upon the placing the substitute, offered by Mr. Yonge, in place of the original:

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Bennett, Bethel, Blount, Broome, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Greeley, Hausman, Hendley, Herndon, Hocker, Hope, Johnston, Jones, Love, Malore, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Parker, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Taylor, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wyly and Yonge—53.

Nays—Messrs. Baker, Bell of Hamilton, Blackburn, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goodbread, Goss, Green, Hargret, Hatch, Henderson, Hicks, Humphries, Hunter, Ives, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Oliveros, Orman, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Tedder, Thompson, Tolbert, Tompkins, Walter, Westcott, Wilson of Polk and Manatee and Zipperer—43.

Excused from attendance—Messrs. Bell of Brevard and Dade, Campbell, Landrum, Marshall, Monsalvatge, Wall and Whitmire—7.

Not voting—Messrs. Carter, Genovar, Lutterloh, Pelot and Swearingen—5.

So the substitute was adopted in place of the original amendment.

The question was then upon the adoption of the amendment as substituted.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Hausman, Hendley, Herndon, Hocker, Hope, Humphries, Johnston, Jones, Love, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Parker, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Taylor, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wyllie and Yonge—54.

Nays—Messrs. Baker, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Henderson, Hicks, Hunter, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Oliveros, Orman, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Tedder, Thompson, Tolbert, Tompkins, Walter, Westcott, Wilson of Polk and Manatee and Zipperer—47.

Excused from Attendance—Messrs. Bell of Brevard and Dade, Campbell, Landrum, Marshall, Monsalvatge, Wall and Whitmire—7.

Not Voting—Messrs. Carter, Genovar, Ives, Pelot and Swearingen—5.

So the amendment was adopted.

Mr. Humphries gave notice that he would on to-morrow move to reconsider the vote just taken.

Mr. Walker, Jr., gave notice that he would on to-morrow move to reconsider the vote by which the vote on the amendment to the amendment offered by Mr. Wilson was lost this morning.

Mr. Oliveros moved to have the names of all the members "not voting" and "excused" so recorded on the yea and nay votes of this morning;

Which was agreed to.

Mr. Blount offered the following substitute for section 1.

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of registration, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for

one year, and in the county for six months, and shall have paid his poll tax, if he be subject to such tax, for the year in which such election shall be held and for the year preceding, if he was then subject to such tax, shall in such county be deemed a qualified elector at all elections under this Constitution.

Pending discussion the Convention took a recess until 4 o'clock P. M. to-day.

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#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Broome, Bush, Carter, Carr, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—97.

A quorum present.

Mr. Green was excused on account of sickness.

The following communication was received from State Treasurer Crill :

TREASURER'S OFFICE, }  
TALLAHASSEE, FLA., July 29, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

DEAR SIR: In reply to a resolution of this date, calling for a "detailed statement showing what amount of the appropriation made by the Legislature for the Convention has been paid out," I would respectfully state that I have paid to date Comp-

troller's warrants (expenses of Convention) amounting to the sum of three thousand three hundred and seventy-one and 78-100 dollars. For detail "for what purpose it has been paid," I would respectfully refer you to the Comptroller.

Very respectfully yours,

E. S. CRILL, Treasurer.

Which was read.

Col. Wm. Fisher, of the Pensacola bar, was invited to a seat within the bar during his stay in the city.

The consideration of Article XIV, on Suffrage and Eligibility, was resumed.

The question was upon the substitute for section 1, offered by Mr. Blount.

Mr. Walker, Jr., moved to lay the substitute on the table ;

Which was not agreed to.

Mr. Yonge moved the adoption of the substitute.

Mr. Hicks moved to amend as follows :

Strike out the words "shall have paid his poll tax," in section 1, because in contravention of the act of the Congress of the United States, June 25, 1868, admitting Florida to representation in Congress, and Article XIV of the Constitution of the United States.

Mr. Yonge moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blouat, Broome, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Genovar, Gillis, Hausman, Hendley, Herndon, Hocker, Hope, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McClellan, Odom, Parker, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wyly and Yonge—53.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Henderson, Hicks, Humphries, Hunter, Ives, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Oliveros, Orman, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Tedder, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott and Wilson of Polk and Manatee and Zipperer—42.

So the motion to lay on the table was agreed to.

Mr. Bethel moved the adoption of the substitute in place of the original ;



Which was agreed to, and the substitute was put in place of the original.

The question was then upon the adoption of the section as substituted;

Which was agreed to, and the section was adopted.

Section 2 was read and passed without amendment.

Section 3 was read.

Mr. Miller offered the following amendment to section 3 :

Add to section 3 the following :

SECTION —. No person convicted of any fraud at an election, either by casting any fraudulent ballot, or of substituting a ballot not cast for one cast, or of altering or destroying the returns of any election, or making any false return of any election ; or of destroying any ballot duly cast or any ballot-box, or of intimidating or influencing any voter in the exercise of the right to register or vote by means of force, menace, threat or bribery, shall ever be disqualified to vote at any election or hold any office under the laws of the State of Florida.

Mr. Malone moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Hausman, Hendley, Henderson, Herndon, Hocker, Hope, Humphries, Ives, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—67.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goodbread, Goss, Greeley Hargret, Hunter, Lewis, of Mann, Miller, Mitchell, McKinnon, Petty, Randall Duval, Rowe, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott and Zipperer—30.

So the amendment was laid on the table.

Mr. Mitchell offered to amend as follows :

Insert " When such larceny amounts to a felony."

Mr. Wilson, of Polk and Manatee, moved to lay the amendment on the table ;

Which was agreed to, and the amendment was tabled.

Section 3 was then passed without amendment.



Section 4 was read.

Mr. Taylor offered the following amendment:

Strike out all of the section after the word "election" in line 7 of section 4.

Which was not agreed to.

Mr. Clarke, of Jefferson, moved to strike out section 4.

Mr. Walker, Jr., moved to lay the motion to strike out on the table;

Which was agreed to.

Mr. Yonge offered to amend section 4 as follows:

In lines 6 and 7 strike out "shall thereby forfeit," and insert "shall upon conviction thereof be deprived of."

Mr. Mann moved to lay the amendment on the table;

Which was not agreed to.

The question was then upon the adoption of the amendment.

Mr. Yonge moved the adoption of the amendment and moved the previous question.

The previous question was ordered.

The question was upon the adoption of the amendment.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Bethel, Blount, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Hausman, Hendley, Herndon, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, McClellan, Odom, Orman, Parker, Parkhill, Paterson, Randell of Madison, Randolph, Richard, Robertson, Rogers, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Wadsworth, Weeks, Wellman, Wilson of Clay, Wyly and Yonge—44.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Broome, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Hargret, Hicks, Hocker, Humphries, Hunter, Ives, Lesley, Lewis, Mann, Miller, Mitchell, Morgan, McCaskill, McKinnon, Neel, Oliveros, Pelot, Petty, Randall of Duval, Rowe, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee and Zipperer—52.

So the amendment was not agreed to.

Mr. Bennett moved the adoption of section 4 and moved the previous question.

The previous question was ordered.

Section 4 was then adopted without amendment.

Section 5 was read.

Mr. Mitchell offered to amend as follows :

Strike out the words from "shall" to "be," in first line ;

Which was withdrawn.

Mr. Chandler moved the adoption of section 5 ;

Which was agreed to, and section 5 was declared adopted.

Section 6 was read and passed without amendment.

Section 7 was read.

Mr. Bennett moved to strike out section 7.

Mr. Humphries moved to amend section 7 as follows :

Striking out in line one after "voted," "when the voter shall request the same."

Which was not agreed to.

The question was then on the motion of Mr. Bennett to strike out the section.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Fogarty, Genovar, Hausman, Hendley, Herndon, Hocker, Hope, Ives, Johnston, Jones, Love, Lutterloh, Malone, Mann, Maxwell, Milton, McCaskill, McClellan, Odom, Oliveros, Orman, Parker, Parkhill, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rogers, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—56.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carr, Carson, Challen, Chandler, Conover, Earle, Fowler, Gibbs, Gillis, Goodbread, Goss, Greeley, Hargret, Henderson, Humphries, Hunter, Lesley, Lewis, Miller, Mitchell, McKinnon, Neel, Petty, Randall of Duval, Rowe, Thompson, Tolbert, Tompkins, Walker, Jr., Walter and Zipperer—35.

So the motion to strike out section 7 was agreed to.

Mr. Mann gave notice that he would on to-morrow move to reconsider the vote just taken.

Mr. Turnbull gave notice that he would on to-morrow move to reconsider the vote by which section 4 was passed.

Section 8 was read.

Mr. Walter moved to strike out section 8 ;

Which, upon motion, was laid on the table.

Mr. Yonge moved to amend as follows :

Strike out in line 2, section 8, Article XIV, the words "by

the Clerk of the Circuit Court," and insert "of the legally qualified voters."

Pending discussion, the Convention took a recess until 8 o'clock to-night.

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## EIGHT O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The calling of the roll was waived.

The President stated that this was a special session called for the purpose of considering the following resolution on the death of General U. S. Grant, offered by the special committee appointed by this Convention on last Friday.

*Resolved by the People of Florida, in Constitutional Convention assembled,* That we have heard of the death of General Ulysses S. Grant with the deepest sorrow; that his time, the most eventful in this country's history, brought him forth a historic character, who as civilian, soldier and statesman has commanded the attention and admiration not only of this republic but of every civilized nation. His achievements in war and in peace have filled the world with his praise; that his greatness does not belong to any section of his country. He struggled in war to preserve the Union of the States, in peace to maintain the Union in the hearts of the whole people; that we tender the family of the illustrious dead our sincere sympathy and condolence; that a copy of these resolutions be entered upon our Journal, engrossed and forwarded to Mrs. Grant and supplied to the public press.

J. F. McCLELLAN,  
JAMES R. CHALLEN,  
A. E. MAXWELL,  
L. W. BETHEL,  
DAVID S. WALKER, JR.

Which was read.

Appropriate addresses were made by Messrs. Challen, Baker, Maxwell and Conover.

Mr. Conover moved the adoption of the resolution;

Which was agreed to.

Mr. Baker moved that as a further tribute to the memory of General Grant, the Convention do now adjourn until to-morrow at 9 o'clock A. M.;

Which was agreed to, and the Convention was so adjourned.

## FORTY-THIRD DAY.

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THURSDAY, JULY 30, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—100.

A quorum present.

Prayer by the Chaplain.

Mr. Fowler moved that the reading of the Journal be dispensed with.

The Journal was corrected and approved.

Messrs. Hatch and Parker were excused on account of sickness.

The Convention resumed the consideration of Article XIV, on Suffrage and Eligibility.

Mr. Turnbull moved to reconsider the vote by which section 4 was passed yesterday.

Mr. Lesley moved to lay the motion to reconsider on the table ;

Which was not aged to.

The question was then upon the motion to reconsider ;

Which was agreed to, and the vote was reconsidered.

Mr. Turnbull moved to reconsider the vote by which the

amendment to section 4 offered by Mr. Yonge on yesterday was lost;

Which was agreed to.

Mr. Yonge then moved the adoption of the following amendment offered by him on yesterday :

In lines 6 and 8 strike out "shall thereby forfeit," and insert "shall upon conviction thereof be deprived of."

Mr. Speer moved the adoption of the amendment and moved the previous question.

The previous question was ordered.

The question was upon the adoption of the amendment offered by Mr. Yonge.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Blount, Coker, Davidson, Duncan, Fogarty, Hausman, Herndon, Humphries, Johnston, Maxwell, McClellan, Odom, Paterson, Pelot, Randell of Madison, Richard, Robertson, Sheats, Swearingen, Taylor, Wadsworth, Weeks, Wilson of Clay, Wilson of Polk and Manatee, and Yonge—24.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Conover, Cook, Davis, Earle, Edge, Fowler, Genovar, Gibbs, Goodbread, Goss, Greeley, Hargret, Hendley, Henderson, Hocker, Hunter, Ives, Jones, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Miller, Milton, Mitchell, Morgan, McCaskill, McKinnon, Oliveros, Orman, Parkhill, Parsons, Petty, Randall of Duval, Randolph, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Walker, Jr., Walter, Wellman, Westcott, Wyly and Zipperer—67.

So the amendment was not agreed to.

Mr. Bennett offered to amend section 4 as follows :

Substitute "but" for "and" in 7th line, substitute "when" for "before" in 9th line;

Which was accepted.

Section 4 was then passed as amended.

The consideration of section 8 was resumed.

The question was upon the amendment offered by Mr. Yonge on yesterday as follows :

Strike out in line 2, section 8, Article XIV, the words "by the Clerk of the Circuit Court in each county ;"

Which was agreed to, and the amendment was adopted.

Section 8 was then passed as amended.



Mr. Humphries moved to reconsider the vote by which section 1 was passed yesterday.

The question was on the motion to reconsider.

Mr. Speer moved to lay the motion to reconsider on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Genovar, Gillis, Hausman, Hendley, Herndon, Hocker, Hope, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Speer, Stone, Swearingen, Taylor, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wyly and Yonge—54.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Henderson, Hicks, Humphries, Hunter, Lesley, Lewis, Mann, Miller, Mitchell, Oliveros, Orman, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Sheats, Thompson, Tolbert, Tompkins, Turnbull, Walter, Westcott, Wilson of Polk and Manatee and Zipperer—40.

So the motion to lay on the table was agreed to.

Mr. Yonge offered the following additional section :

SEC. 2. Every elector shall, at the time of his registration, take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution of the State of Florida."

Which was passed without amendment.

Mr. Green was excused on account of sickness.

Mr. Oliveros offered the following additional section :

SEC. —. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this Constitution, if required by any elector shall produce to the persons lawfully authorized to conduct and supervise such election a duly sealed and certified copy of his declaration of intention, and if unable to do so by reason that such copy cannot be obtained at the time of said election, he shall be allowed to make affidavit before a proper officer, setting forth

the reason why he is unable to furnish such certificate, and if said affidavit proves satisfactory to the inspectors they shall allow said elector to cast his vote; and any naturalized citizen offering to vote shall if so required by any elector produce his certificate of naturalization or a duly sealed certified copy thereof and in the event that said elector cannot produce the same, he shall be allowed to make affidavit before a proper officer stating in full the reason why it cannot be furnished, and if satisfactory to the inspectors of said election, said elector shall be allowed to vote at said election;

Which was passed without amendment.

Mr. Mann offered the following additional section:

No law shall ever be passed under this Constitution that will prevent any voter from putting any private mark he may choose upon his ballot, which may consist of his name.

Mr. Humphries moved to lay the additional section on the table.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Bethel, Blackburn, Blount, Carter, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Hausman, Henderson, Herndon, Hope, Humphries, Ives, Johnston, Jones, Love, Lutterloh, Malone, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Paterson, Pelot, Randall of Madison, Randolph, Richard, Robertson, Rogers, Scott, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wyly and Yonge—54.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bush, Carr, Challen, Chandler, Conover, Cook, Fowler, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hicks, Hocker, Hunter, Lewis, Mann, Maxwell, Miller, Mitchell, McKinnon, Parsons, Petty, Randall of Duval, Rowe, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott and Zipperer—38.

So the motion to lay the new section on the table was agreed to

Messrs. Walter and Fogarty were excused.

The following additional section was offered by Mr. Miller:

The Legislature shall prescribe that all ballots shall be of uniform size, and upon plain white paper, and that no ballot known as a tissue ballot or upon paper of a different material or of less size than prescribed, shall ever be counted at any election.

Mr. Mann offered the following substitute :

The Legislature shall pass such laws as will prevent frauds at election, and shall provide a uniform size of ballot to the effect that all ballots shall be alike as to color, size and quality of paper.

Mr. Baker offered the following amendment to the substitute :

And no inspector of election shall fold or turn down the corner of any ballot, but shall deposit it in the box as he receives it from the hands of the voter.

Mr. Turnbull moved to lay the additional section, the substitute therefor and the amendment to the substitute, on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Blackburn, Blount, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Earle, Fogarty, Genovar, Gillis, Green, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Paterson, Pelot, Randell of Madison, Richard, Robertson, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—63.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goodbread, Goss, Greeley, Hargret, Lewis, Mann, Miller, Mitchell, Petty, Randall of Duval, Thompson, Tompkins, Walker, Jr., Walter, Westcott and Zipperer—26.

So the motion to lay upon the table was agreed to.

Mr. Mann offered the following additional section :

The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution ;

Which was adopted.

Mr. Carson offered the following :

The Legislature shall prescribe the manner of voting, the kind of vote, in such manner as to prevent fraud. In case of contested elections such laws shall be passed as will in the quickest and fairest manner give the result ;

Which upon motion of Mr. Bennett was laid upon the table.

Mr. Conover offered the following additional section :

That all ballots cast at any State, county or district election shall be preserved in the office of the Clerk of the Circuit Court of the county where an election is held for six months from the date of such election. *Provided*, That they shall not be subject to the insection of any person except in the presence of the Clerk, and then only by the candidate or candidates for election to office at the said election and his attorney or attorneys.

Mr. Davis moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Miller offered the following additional section :

No person shall be deprived of the right to vote for any supposed failure to pay poll taxes, if he shall swear at the polls that he has actually paid the poll tax assessed against him.

Mr. Wilson moved to lay the additional section on the table ;  
Which was agreed to.

Mr. Mann offered the following additional section :

All elections for county officers held under this Constitution shall be on the second Tuesday in July.

Mr. Pelot moved to postpone the consideration of the additional section until the report of the Committee on Schedule be received ;

Which was agreed to.

Mr. Carr offered the following additional section :

That the collector or clerk, or his deputy shall not deliver the receipt for the poll tax to any other than the person named in the said receipt.

Mr. Thompson moved the adoption of the additional section and moved the previous question.

The previous question was ordered and the additional section was passed without amendment.

Mr. Turnbull moved the adoption of Article XIV, on Suffrage and Eligibility, and that it be engrossed as amended for a third reading ;

Which was agreed to and it was so ordered.

## ARTICLE XIV.

### SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of registration, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United



States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, and shall have paid his poll tax, if he be subject to such tax, for the year in which such election shall be held and for the year preceding, if he was then subject to such tax, shall in such county be deemed a qualified elector at all elections under this Constitution.

SEC. 2. Every elector shall, at the time of his registration, take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution of the State of Florida."

SEC. 3. No person under guardianship, *non compos mentis* or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

SEC. 4. The legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or become directly or indirectly interested in any bet or wager, the result of which shall depend upon any election; or who shall hereafter fight a duel or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 5. Any person who shall give, or promise or offer to give, to an elector any money, reward or other valuable consideration for his vote at an election in this State, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive or agree to receive for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, but any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue when his vote shall be received.

SEC. 6. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust



or profit under the laws of this State; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of six years.

SEC. 7. In all elections by the Legislature the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

SEC. 8. The Legislature, at its first session after the ratification of this Constitution, shall by law provide for the registration of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

SEC. 9. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this Constitution, if required by any elector shall produce to the persons lawfully authorized to conduct and supervise such election, a duly sealed and certified copy of his declaration of intention, and if unable to do so by reason that such copy cannot be obtained at the time of said election, he shall be allowed to make affidavit before a proper officer, setting forth the reason why he is unable to furnish such certificate, and if said affidavit proves satisfactory to the Inspectors they shall allow said elector to cast his vote, and any naturalized citizen offering to vote shall, if so required by any elector, produce his certificate of naturalization, or a duly certified copy thereof, and in the event said elector cannot produce the same he shall be allowed to make affidavit before a proper officer, stating in full the reason why it cannot be furnished, and if satisfactory to the Inspectors of said election, said elector shall be allowed to vote at said election.

SEC. 10. That the Collector or Clerk, or his deputy, shall not deliver the receipt for the poll tax to any other than the person named in the said receipt.

SEC. 11. The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution.

Mr. Miller moved to reconsider the vote by which Article XIV was passed;

Which was placed among the orders of the day.

The substitute for Article XIII on Census and Apportionment and the additional sections offered by the minority of the committee came up for consideration on the second reading.

Section 1 was read.

Mr. McClellan offered to amend as follows:

SECTION 1. The apportionment for the House of Representatives shall be as follows: Alachua county shall have three (3) Representatives; Baker, one (1); Bradford, two (2); Brevard, one (1); Calhoun, one (1); Clay, one (1); Columbia, two (2); Dade, one (1); Duval, three (3); Escambia, three (3); Franklin, one (1); Gadsden, two (2); Hamilton, two (2); Hernando, two (2); Hillsborough, two (2); Holmes, one (1); Jackson, two (2); Jefferson, two (2); Lafayette, one (1); Leon, three (3); Levy, one (1); Liberty, one (1); Madison, two (2); Manatee, one (1); Marion, three (3); Monroe, two (2); Nassau, two (2); Orange, three (3); Polk, one (1); Putnam, two (2); St. Johns, two (2); Santa Rosa, two (2); Sumter, two (2); Suwanee, two (2); Taylor, one (1); Volusia, two (2); Wakulla, one (1); Walton, one (1); Washington, one (1).

Mr. Lesley moved to lay the amendment on the table.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Davidson, Duncan, Earle, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Hargret, Hendley, Henderson, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Lesley, Lewis, Lutterloh, Miller, Mitchell, Neel, Oliveros, Pelot, Petty, Randall of Duval, Richard, Robertson, Rogers, Sanchez, Sheats, Speer, Stone, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Weeks, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—61.

Nays—Messrs. Blount, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davis, Edge, Fogarty, Green, Hausman, Herndon, Johnston, Jones, Love, Malore, Maxwell, Milton, Morgan, McClellan, McKinnon, Odom, Orman, Parkhill, Paterson, Randell of Madison, Scott, Swearingen, Taylor, Tedder, Turnbull and Wadsworth—32.

Mr. Sanchez moved to amend as follows:

Strike out all of section 1 down to "and" in 4th line and insert "Senators from all the districts shall be elected in the year 1886 and shall be the first Senate under this Constitution."

Mr. Lesley moved to lay the amendment on the table;

Which was agreed to, and the amendment was laid on the table.

Section 1 was then passed without amendment.

Section 2 was read.

Mr. Taylor moved to amend Section 2 as follows:

Strike out in line 1, of section 2, the words "which convene in the year 1889 and thereafter," and insert the following: "Of this State, except the first held under this Constitution."

Mr. Lesley moved to lay the amendment on the table;  
Which was agreed to.

Section 2 was then passed without amendment.

Section 3 was read.

Mr. McClellan offered to amend as follows:

And no county shall have more than three Representatives.

Mr. Challen moved to lay the amendment on the table;  
Which was not agreed to.

The question was upon the adoption of the amendment.

Mr. McClellan moved the previous question.

The previous question was ordered, and the question was upon the adoption of the amendment.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bell of Brevard and Dade, Blackburn, Blount, Broome, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Green, Hausman, Henderson, Herndon, Hope, Ives, Johnston, Jones, Love, Lutterloh, Malone, Milton, Morgan, McClellan, McKinnon, Neel, Odom, Orman, Parkhill, Paterson, Randell of Madison, Richard, Robertson, Rogers, Scott, Sheats, Stone, Swearingen, Taylor, Tedder, Weeks, Wilson of Clay, Wyllly and Yonge—48.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Bush, Carter, Carr, Challen, Chandler, Conover, Cook, Fowler, Genovar, Gibbs, Goodbread, Goss, Greeley, Hargret, Hicks, Hocker, Humphries, Hunter, Lesley, Lewis, Miller, Mitchell, Oliveros, Pelot, Petty, Randall of Duval, Sanchez, Speer, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee and Zipperer—42.

So the amendment was adopted.

Mr. Chandler offered the following substitute:

Strike out all after "members," in 5th line.

Mr. Johnston moved to lay the motion on the table.

Which was agreed to, and the amendment was laid upon the table.

Mr. Duncan moved to reconsider the vote by which the amendment to section 3 offered by Mr. McClellan was passed.

Mr. McClellan moved to lay the motion to reconsider on the table;

Which was agreed to.

Mr. Baker offered the following amendment:

Strike out all after "members," in 5th line and insert, *Provided*, Every county shall have at least one.

Pending discussion the Convention took a recess until 4 o'clock P. M. to-day.

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#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—98.

A quorum present.

Mr. Rogers was excused for the evening.

Mr. Bethel was excused on account of sickness.

Mr. Mann stated that he withdrew his motion to reconsider the vote by which section 7, Article XIV, on Suffrage and Eligibility, was stricken out.

The Convention resumed the consideration of Article XIII.

The question was upon the amendment to section 3 offered by Mr. Baker.

On motion of Mr. McClellan, the amendment was laid on the table.



Section 3 was then passed as amended.

Section 4 was read.

Mr. Sheats offered to amend as follows :

By inserting after "assigned" in the 5th line, "when created;"

Which was agreed to, and section 4 was passed as amended.

Mr. Baker offered the following additional section :

SEC. 3. The Legislature of the State of Florida in the year of our Lord one thousand eight hundred and ninety-five, and every ten years thereafter, shall cause an enumeration to be made of all the inhabitants of the State of Florida by counties, and shall at the first regular session after the year one thousand eight hundred and ninety-five proceed to apportion the representation among the different counties of the State.

Mr. McClellan offered the following substitute :

The Legislature shall provide for an enumeration of all of the inhabitants of the State by counties for the year 1895, and every ten years thereafter ;

Which was accepted by Mr. Baker.

Mr. Lesley moved to lay the additional section on the table ;

Which was not agreed to.

The additional section was then passed as substituted.

Article XIII on Census and Apportionment was read as amended.

Mr. Lesley moved that the Article be ordered engrossed, spread upon the Journal and passed for a third reading.

## ARTICLE —.

### CENSUS AND APPORTIONMENT.

SECTION 1. The Senators representing the odd numbered districts, as said districts are now designated, whose terms have not expired, and those Senators representing even numbered districts, to be elected in the year A. D. 1886, under the Constitution of 1868, shall be the first Senate under this Constitution, and the members of the Assembly to be elected in the year 1886 shall be the first House of Representatives under this Constitution, and the Senate and House of Representatives thus constituted shall be the first Legislature under this Constitution, and the terms of office of each of the said Senators and members of the House of Representatives shall expire at the election for Senators and members of the House of Representatives in the year A. D. 1888, and in that year a new Senate and House of Representatives shall be elected.

SEC. 2. The Legislatures which convene in the year 1889 and thereafter shall consist of not more than thirty-two (32)



members of the Senate, and of not more than sixty-eight (68) members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years, except as hereafter provided, the elections for members of the Senate and House of Representatives to take place at the same time and place. The terms of Senators elected in 1888 from districts designated by even numbers, shall expire at the expiration of two years from that date, and thereafter all Senators shall be elected for four years, so that one-half of the whole number shall be elected biennially.

SEC. 3. The Legislature which shall meet in the year A. D. 1887, and those which shall meet every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two (32) members, and at the same time shall also apportion the representation in the House of Representatives, the whole number of Representatives not to exceed sixty-eight (68) members. The representation in the House of Representatives shall be apportioned among the several counties as near as possible according to population; *Provided*, Each county shall have one representative at large in the House of Representatives, and no county shall have more than three Representatives.

SEC. 4. When any Senatorial District shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county which may be created shall be entitled to one Representative in the House of Representatives until the next apportionment thereafter, and be assigned when created to one of the adjoining Senatorial Districts as shall be determined by the Legislature.

SEC. 5. The Legislature shall provide for an enumeration of all the inhabitants of the State by counties for the year 1895, and every ten years thereafter;

Which was agreed to, and it was so ordered.

Mr. Love, Chairman of the Committee on Miscellaneous Provisions, made the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 30, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Miscellaneous Provisions to whom was referred—

Additional section to Article XVI, by Mr. Challen, of Duval, in relation to the disability of officers,

Respectfully report that they have considered the same, and

a majority of your committee respectfully recommend the adoption of the accompanying section as a substitute for the original herewith returned.

Also additional section by Mr. Blackburn, in relation to the payment of certain officers, has been duly considered, and your committee respectfully recommend its adoption as amended.

Very respectfully,

E. C. LOVE,  
Chairman of Committee.

Which was received and placed among the orders of the day.

#### SUBSTITUTE TO ADDITIONAL SECTION OF ARTICLE XVI.

When it shall appear to the Governor from a certificate of two practicing Physicians that any officer of this State not entitled to a deputy shall from any cause, happening after being qualified, become incapable of properly discharging his official duties, the Governor may appoint an officer to discharge such duties until such disability shall cease or until a permanent officer is qualified. But the Governor shall report his action in the premises to the Legislature at its next ensuing session for such action as to the Legislature shall seem proper.

#### ADDITIONAL SECTION TO ARTICLE XI.

SECTION —. The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general county fund of their respective counties.

Article —, on Schedule, came up for consideration on its second reading.

Section 1 was read.

Mr. Clarke, of Jefferson, moved to amend by striking out the words "and it is ordained" and "That," in line 2, and insert the word "but," in lieu of "that;"

Which was agreed to.

Section 2 was read and passed without amendment.

Section 3 was read.

Mr. Pelot moved to amend by striking out the words "elected and," and insert the word "duly" instead;

Which was agreed to.

Section 3 was then passed as amended.

Section 4 was read and passed without amendment.

Section 5 was read.

Mr. Hocker moved to amend by striking out the word

"now," in line 2, and adding at end of section, the words "under the Constitution of 1868;"

Which was agreed to, and section 5 was passed as amended.

Section 6 was read and passed without amendment.

Section 7 was read and passed without amendment.

Section 8 was read and passed without amendment.

Section 9 was read.

Mr. Randell, of Madison, moved to strike out the words "and county," in third line.

Mr. Wilson, of Polk, moved to lay the motion to strike out on the table;

Which was agreed to.

Section 9 was then passed without amendment.

Section 10 was read.

Mr. Oliveros moved to amend by inserting the words "Justices of the Peace," after the words "County Surveyor," in line 3;

Which was agreed to, and section 10 was passed as amended.

Section 11 was read and passed without amendment.

Mr. Conover moved to amend by striking out the words "signed by the members of this Convention;"

Which was agreed to, and section 11 was passed as amended.

Section 12 was read.

Mr. McClellan moved to amend by inserting the word "circuit," before the word "court" in line 4;

Which was agreed to and section 12 was passed as amended.

Sec. 13 was read.

Mr. Broome offered the following proviso:

*Provided*, That the ordinance on Temperance shall be submitted separately, and its ratification or rejection by the people shall not affect the ratification or rejection of this Constitution;

Which was agreed to.

Mr. Yonge moved to amend as follows:

Insert after "cast," "upon the question."

Which was accepted and section 13 was passed as amended.

Section 14 was read and passed without amendment.

Mr. Yonge moved to take from Article —, on Schedule, sections 13 and 14 and put them in the shape of an ordinance;

Which was agreed to and it was so ordered.

Mr. Chandler gave notice that he would on to-morrow move to reconsider the vote by which section 13 was passed.

Mr. Blount offered the following new section:

SEC. —. All courts as now organized and constituted shall

continue with their jurisdiction until the Legislature shall conform to the requirements of this Constitution the jurisdiction of such courts as under this Constitution are to exercise, in whole or in part, the jurisdiction of courts now organized ;

Which was passed without amendment.

Mr. Hicks offered the following :

Any Convention called in conformity with the provisions of this Constitution, shall have full power to provide for the expenses thereof, and to authorize the officers of the State to pay the same out of any monies in the treasury not otherwise appropriated, or to make any other provision for the same they may deem expedient ;

Which was referred to the committee on Miscellaneous Provisions.

Mr. Yonge moved that Article —, on Schedule, and the Ordinance on Ratification be adopted as amended, ordered engrossed, spread upon the Journal and passed to a third reading ;

Which was agreed to, and it was so ordered.

## ARTICLE NO. —.

### SCHEDULE.

SECTION 1. The Constitution adopted in 1868, with amendments thereto, is declared to be superceded by this Constitution, but all rights, actions, claims and contracts, both as respects individuals or bodies corporate, shall continue to be as valid as if this Constitution had not been adopted. And all fines, taxes, penalties and forfeitures due and owing to the State of Florida under the Constitution of 1868 shall inure to the use of the State under this Constitution.

SEC. 2. All laws now in force not inconsistent with this Constitution shall continue in force until they shall expire by their own limitation or be repealed by the Legislature.

SEC. 3. All persons holding any office or appointment at the ratification of this Constitution shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, and until their successors are duly qualified, unless by this Constitution otherwise provided.

SEC. 4. Nothing contained in this Constitution shall operate to vacate the office of Lieutenant-Governor until the expiration of his present term.

SEC. 5. All vacancies occurring by limitation of terms before the general elections in 1888 shall be filled as provided for by law under the Constition of 1868.

SEC. 6. The term of office for all appointees to fill vacancies



in any of the elective offices shall extend only to the election and qualification of a successor at the ensuing general election.

SEC. 7. In all cases of elections to fill vacancies in office such election shall be for the unexpired term.

SEC. 8. Upon the ratification of this Constitution the Commissioner of Lands and Immigration shall assume the office of Commissioner of Agriculture, and his duties as such shall be prescribed by the first Legislature assembled under this Constitution.

SEC. 9. A general election shall be held in each county in this State on the first Tuesday after the first Monday in November, 1888, and every two years thereafter, for all elective State and county officers whose terms of office are about to expire, or for any office which shall have become vacant.

SEC. 10. The first election for County Judge, Clerk of the Circuit Court, Sheriff, Tax Assessor, Tax Collector, County Treasurer, County Superintendent of Public Instruction, County Surveyor, Justices of the Peace and Constables, and all other elective county officers, shall be at the general election in 1888.

SEC. 11. It shall be the duty of the President of this Convention immediately on its adjournment to certify to the Governor a copy of this Constitution.

SEC. 12. Upon receipt of such certified copy the Governor shall forthwith announce the fact by proclamation, to be published in such newspapers in this State as may be deemed requisite for general information, and five printed copies of such Constitution shall, by the Secretary of State, be transmitted to the Clerk of the Circuit Court, and five to the County Judge of each county, which shall be kept on file in their respective offices for examination by any person desiring the same.

SEC. 13. All Courts as now organized and constituted shall continue with their jurisdiction until the Legislature shall conform to the requirements of this Constitution the jurisdiction of such Courts as under this Constitution are to exercise in whole or in part the jurisdiction of Courts now organized.

SEC. 14. The terms of office of all County Officers, unless otherwise provided, shall commence on the first Tuesday after the first Monday in January, next after their election.

#### ORDINANCE —.

SECTION 1. This Constitution shall be submitted to the people of the State of Florida for ratification on the first Tuesday after the first Monday in November, 1886, and it shall require a majority of the votes cast upon the question to determine its ratification or rejection. *Provided*, That the Ordinance on



Temperance shall be submitted separately, and its ratification or rejection by the people shall not affect the ratification or rejection of this Constitution.

SEC. 2. At such election each qualified elector shall express his assent or dissent to this Constitution by having written or printed upon the ticket which he shall vote the words, "For the Constitution," or "Against the Constitution," such election being subject to the same regulations and restrictions as are now provided for by law. And in case of its ratification by the people, the Governor shall forthwith cause proclamation to be made of the fact, and it shall go into effect on the first day of January, 1887.

Mr. Clarke, of Jefferson, moved that the rules be waived and Article —, on Schedule, be read a third time and put upon its passage;

Which was agreed to, two-thirds voting in the affirmative.

Article —, on Schedule, was then read a third time.

Mr. Orman moved to amend section 1 as follows:

Insert after the word "adopted" in line 4, "but no cause of action heretofore barred shall be revived."

Mr. Pelot moved to lay the amendment on the table;

Which was agreed to.

Mr. Turnbull offered to amend section 10 as follows:

After "Constables," in line 4, insert "shall be on the second Tuesday in July, A. D. 1888;"

Which, upon motion, was laid on the table.

Mr. Clarke, of Jefferson, offered the following additional section:

The terms of office of all county officers, unless otherwise provided, shall commence on the first Tuesday after the first Monday in January next after their election;

Which was read the first time and passed to its second reading, and read a second and third time.

Mr. Sanchez offered the following amendment to section 10:

Insert after "Constables," in third line, "and all other elective county officers;"

Which was adopted.

The question was then upon the final passage of Article —, on Schedule.

The yeas and nays were called.

The vote was:

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Bush, Carr, Carson,

Challen, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Paterson, Pelot, Petty, Randell of Madison, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—87.

Nays—Messrs. Chandler, Hausman and Miller—3.

So Article —, on Schedule, was passed as stated.

Mr. Lesley moved to suspend the rules so as to take up Article XIII, on Census and Apportionment, for a third reading ;

Which was agreed to.

Article XIII, on Census and Apportionment, was then read the third time.

Mr. Chandler moved to amend section 3 as follows :

Strike out the word “ three,” in last line, and insert the word “ four ” in lieu thereof.

Mr. McClellan moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid on the table.

Mr. Baker moved to strike out the proviso in lines 7 and 8.

Mr. McClellan moved to lay the motion to strike out on the table ;

Which was agreed to, and the motion was tabled.

Mr. Challen offered to amend as follows :

Strike out all after “ Provided ” and insert “ Provided that the representation in the House of Representatives shall not be apportioned according to population, for that no county shall have more than three representatives and every county shall have one ;”

Which, upon motion, was laid upon the table.

The question was upon the final passage of Article XIII, on Census and Apportionment.

The yeas and nays were called.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Bush, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson,

Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hargret, Hausman, Hendley, Henderson, Hernon, Hicks, Hocker, Hope, Humphries, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—79.

Nays—Messrs. Baker, Carr, Challen, Chandler, Conover, Fowler, Gibbs, Goss, Greeley, Hunter, Lewis, Miller, Mitchell, Petty, Thompson and Walter—16.

So Article XIII was passed as stated.

Mr. Pelot moved to suspend the rules and that Ordinance No. —, on the Ratification of this Constitution, be read a third time ;

Which was agreed to.

Ordinance No. —, on the Ratification of this Constitution, was read a third time.

Mr. Chandler moved to amend section 1 as follows :

Strike out all after the word "cast" in line 3 to and including the word "Constitution" in line 4, and add after the word "rejection," in line 5, the words "in determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question."

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to, and the amendment was laid upon the table.

Mr. Pelot offered the following amendment to section 1 :

Strike out after the word "question" in third line to the word "to" in fourth line ;

Which was agreed to, and the amendment was declared adopted.

Mr. Pelot offered the following additional section as a substitute for the proviso offered by Mr. Broome this evening :

And at the same time Article XVIII shall be submitted to the people, to be a part of the Constitution of Florida if adopted by a majority of the votes cast upon the question, and the ballots of those voting on the Article shall have written or printed on them the words "for Article XVIII" or "against Article XVIII ;"

Which was agreed to.

The additional section was read a third time.

Mr. Thompson offered to amend the additional section as follows :

Add after last of section 13, "*Provided, further, That the Ordinance in relation to making the payment of a poll tax as a prerequisite to the right to vote shall be submitted to the people for ratification or rejection in a separate Ordinance, and if adopted shall become a part of the Constitution of this State.*"

Mr. Yonge moved to lay the amendment on the table ;

Which was agreed to.

The question was then on the final passage of the ordinance.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Blackburn, Blount, Broome, Carter, Carson, Challen, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Johnston, Jones, Lesley, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parker, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—78.

Nays—Messrs. Baker, Chandler, Conover, Fowler, Goss, Hargret, Lewis, Miller, Mitchell, Thompson and Walter—11.

So the ordinance was passed as stated.

Mr. Miller offered the following Ordinance :

## AN ORDINANCE

TO PROVIDE FOR THE DISTRIBUTION OF THE JOURNALS OF THIS  
CONVENTION AND THE REVISED CONSTITUTION.

*The People of the State of Florida in Convention assembled,  
do ordain as follows :*

The printer of this Convention shall, without delay, print and have stitched in pamphlet form ——— thousand copies of the Journals of this Convention and ——— thousand copies of the Revised Constitution, and immediately deliver the same, together with a statement of the estimated cost thereof, to the Secretary of State, who shall, as soon as possible after their

publication, distribute copies as follows : To each of the officers to whom he is at present required to distribute copies of the acts of the Legislature, two copies ; to each member of this Convention, two copies ; to each Clerk of the Circuit Court for general distribution, twelve copies. The Secretary of State shall distribute copies of the Journals and Constitution in the same manner that he is required to distribute acts of the Legislature.

The next Legislature, after the passage hereof, shall provide compensation for the printing and distribution of the documents herein required to be printed and distributed.

Which was referred to the Committee on Miscellaneous Provisions.

Mr. Blount, chairman of the Special Committee on Expenditures, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 30, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee to which was referred the subject matter of defraying the expenses of this Convention, and the ordinance introduced by the Committee on Expenditures, as amended by Mr. Walker Jr., of Leon, and the ordinance introduced by Mr. Parsons, of Hernando, beg leave to report :

That they have considered the matters referred, and have communicated with the Governor of the State regarding his action in case of the passing of the ordinance introduced by Mr. Parsons, of Hernando, and have been informed by him that he believes that he would have no right to countersign the warrants as directed in the ordinance of Mr. Parsons, and would refuse so to do ;

That your committee in view of the fact that any legal proceedings which might be taken to determine the right of this Convention to pass and make effectual the ordinance introduced by Mr. Parsons, of Hernando, would probably extend beyond the session of this Convention, and that the issue thereof is doubtful, recommend that the ordinance be not adopted, but that the ordinance recommended by the Committee on Expenditures, as amended by Mr. Walker, Jr., of Leon, be adopted with the amendment in the 4th Article that the certificates to be issued shall bear interest at the rate of eight (8) per centum per annum.

WM. A. BLOUNT,  
Chairman.

Which was read and ordered spread upon the Journal.



Mr. Parsons offered the following Ordinance :

### AN ORDINANCE

TO PROVIDE FOR THE PAY AND MILEAGE OF THE MEMBERS AND  
OTHER EXPENSES OF THE CONVENTION.

*Be it ordained by the people of Florida, represented in Constitutional Convention :*

SECTION 1. The pay of the members of the present Constitutional Convention shall be a per diem for attendance of six (\$6.00) dollars per day in addition to mileage of ten cents per mile each way from their places of residence to the Capital and return, estimated by the shortest thoroughfare.

SEC. 2. Be it further ordained that the pay of the Secretary and Assistant Secretary of the Convention, and all the Clerks elected by the Convention, shall be six (\$6.00) dollars per diem each, allowing the Secretary and Assistant Secretary one day after adjournment to complete unfinished business; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the Chairman of the Committee; the pay of the Sergeant-at-Arms shall be six (\$6.00) per diem, and Assistant Sergeant-at-Arms shall be five (\$5.00) dollars per diem; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each; the pay of the Doorkeeper shall be five (\$5.00) dollars per diem; the pay of Pages shall be three (\$3.00) per diem each; the pay of the Janitor shall be two (\$2.00) dollars per diem; the pay of the Chaplain shall be one hundred dollars; the Recording Clerk shall complete his work after the adjournment of the Convention, under the supervision of the Secretary of State, and shall be paid for the same six (\$6.00) dollars per day for each day required to complete his work. Eighteen dollars shall be paid W. R. Carter for services as Assistant Secretary for three days.

SEC. 3. *Be it further ordained,* That the Secretary of this Convention be and he is hereby authorized to audit the account of the members and all other expenses, and upon certificates signed by the President and Secretary, the Comptroller is required to issue his warrants for the amounts thereof, and the Treasurer shall pay the same out of any moneys in the Treasury not otherwise appropriated. All laws conflicting with this ordinance are hereby declared null and void so far as they conflict with the same;

Which was read and ordered spread upon the Journal.

On motion of Mr. McClellan, the Convention adjourned until 10 o'clock to-morrow.

## FORTY-FOURTH DAY.

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FRIDAY, JULY 31, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cock, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer  
—102.

A quorum present.

Prayer by the Chaplain.

Mr. Chandler moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Goodbread offered the following resolution :

*Resolved*, That section 7 of Article XVI of the Constitution of 1868 be inserted in its proper place in this Constitution ;

Which was read and referred to the Committee on Miscellaneous Provisions.

Mr. Fowler offered the following resolution :

*Resolved*, That although this Convention has ordained and expressed itself in favor of submitting the revised Constitu-

tion to the votes of the people, it denies that the Legislature had any power or right to prescribe it. The Legislature exhausted its powers in providing for assembling of this Convention under the Constitution of 1868, and therefore any act prescribing or circumscribing its powers is null and void ;

Which was read.

Mr. Conover moved that the rules be waived so that the resolution may be considered immediately.

Which was agreed to.

The question was on the adoption of the resolution.

Mr. Bennett moved to lay the resolution on the table ;

Which was not agreed to.

The question was again upon the adoption of the resolution.

Mr. Bennett moved the previous question ;

Which was ordered.

The previous question was on the adoption of the resolution ;

Which was not agreed to, and the resolution was not adopted.

Mr. Broome offered the following resolution :

*Resolved*, That Jesse Dennis be elected Janitor of this Convention, term of employment to take effect from its organization on the 9th day of June, A. D. 1885 ;

Which was adopted.

Mr. Broome, Chairman of the Committee on Expenditures, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 31, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Expenditures, to whom was referred—

An Ordinance to Provide for the Pay and Mileage of Members and Other Expenses of the Convention, introduced by Mr. Parsons, of Hernando, respectfully report the same back to the Convention without recommendation. They also recommend the adoption of the report of Mr. Blount, of Escambia, Chairman of special committee on same subject.

Very respectfully,

JOHN D. BROOME,

Chairman Committee.

Which was received and placed among the orders of the day.

Mr. Blount, Chairman of the Special Committee on Expenditures, offered the following communication from the Governor :

EXECUTIVE OFFICE,  
TALLAHASSEE, FLA., July 30, 1885. }

*The Honorable Messrs. Blount, Parsons, Rogers, Randall and Broome, Committee upon the Subject Matter of Defraying the Expenses of the Constitutional Convention :*

GENTLEMEN—Referring to our interview upon the subject of payment from the State Treasury of expenses over and above the \$35,000 appropriated, and the question (it being admitted that under the law as it now is no such payment can be made) whether the Convention can, by any action or ordinance not submitted to, and ratified by the people, justify such payment from the Treasury?

I am frank to say that I think not; that the Convention cannot by itself substitute its will for any part of the Constitution and laws now in force; that such substitution can only be made by the action of the Convention and the ratification thereof by the people.

Not considering at this time any bearing of the present Constitution upon the question of such power in the Convention, it is to my mind clearly evident that the people did not, and did not intend to invest all their sovereignty in their delegates.

The highest elementary authority I have found, and it seems to be sustained by reason, uses this language :

“ But no body of representatives, unless specially clothed with power for that purpose by the people when choosing them, can rightfully take definitive action upon amendments or revisions. They must submit the result of their deliberations to the people—who alone are competent to exercise the powers of sovereignty in framing the fundamental law—for ratification or rejection.

“ The Constitutional Convention is the representative of sovereignty only in a very qualified sense and for specific purpose, and with the restricted authority to put in proper form the questions of amendment upon which the people are to pass; but the changes in the fundamental law of the State must be enacted by the people themselves.” Cooley’s Con. Limitations, 32.

Passing by many other matters having relation to the question, we may here consider merely whether the people when choosing their delegates specially clothed them with all their powers of sovereignty to change the fundamental law.

Probably, if nothing appeared to the contrary, it might be presumed that such was the purpose of the people; but let us see if there is not some means of arriving at the purpose of the



people when they cast their votes for and chose their delegates.

It may be, that the Act of February 12, 1885, page 40, pamphlet Acts of 1885, did not of itself bind the people to all of its provisions unless the people were willing to accept and act under such act.

It is evident that they did adopt and did choose their delegates under said act, and, to my mind, the language of the first section of that act shows that in choosing their delegates they as expressly limited the Convention's power to that of making a "revision of the Constitution of this State, and submitting the same to the electors of the State at a general or special election for ratification," as they declared that the Convention should meet on the second Tuesday in June, 1885, rather than any other time.

I think the first section of the enabling act, if of no other force, is sufficient to indicate the purpose of the people, and is it not safe to say that the purpose of the people fixes the limitation of the power of the Convention unless that purpose contravenes some recognized restriction upon the people's power?

Neither will time permit nor does the occasion require that I should refer to other grounds for the firm conviction at which my mind has arrived, that neither the law as it now is authorizes, nor can any action whatever by the Convention, until such action be ratified by the people, justify the taking out of the Treasury one single dollar not appropriated by law.

If I am wrong I am willing to be set right; this as I understand it can only be done by a determination of the question by the Supreme Court of the State. I suggest that the question might be submitted to that tribunal by friendly proceedings against the Comptroller or Treasurer, or in such manner as to the committee or to the Convention may seem proper.

I can assure you, gentlemen, and the Convention, that neither the Executive or any of the administrative officers of the State will do aught to obstruct or delay a speedy solution of the difficulty which my conviction seems to place in the way of the payment in full out of the Treasury of the expenses of the Convention.

As to the suggestion that I require of the Justices of the Supreme Court their advisory opinion upon the question, I would not have addressed you to day at such length, but upon examination of section 16, Article 5, of Constitution as amended in 1875, upon the subject, I seriously doubt my right to require from such Justices their opinion upon the question at issue, as I feel that it can be answered satisfactorily to my



mind, at least, without the interpretation of any portion of the present Constitution respecting my executive powers and duties; the real question being one respecting the powers and duties of the present Constitutional Convention.

Assuring you of my readiness to go as far as I rightfully can to arrive at a solution of the question which will be agreeable to the wishes of the Convention, I have the honor to be

Very respectfully,

E. A. PERRY.

P. S. Are not delegates who are in Convention by virtue of Legislative act estopped from denying themselves bound by the act?

Which was read, ordered spread upon the Journal and placed among the orders of the day.

Mr. Oliveros, Chairman of the Committee on Enrollment and Engrossment, offered the following report:

CONVENTION HALL, TALLAHASSEE, FLA., July 31, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee on Enrollment and Engrossment, to whom was referred—

Article XIV, on Suffrage and Eligibility, beg to report that they have compared and examined the same and find it correctly engrossed.

Very respectfully,

B. F. OLIVEROS, Chairman.

SAMUEL E. HOPE,

THEODORE RANDELL,

Committee.

Which was read and placed among the orders of the day.

The three additional sections as reported by the Committee on Miscellaneous Provisions and Judicial Department, were read the first time and placed among the orders of the day.

The following additional section to Article XVI reported by the Committee on Miscellaneous Provisions was read the second time:

SECTION —. No private property nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by a deposit of money, which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by a jury of twelve men in a court of competent jurisdiction as shall be prescribed by law.

The rules were waived and the additional section was read a third time, and put upon its final passage.

The yeas and nays were called.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Bush, Carr, Carson, Challen, Chandler, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gibbs, Goodbread, Goss, Green, Hargret, Hatch, Hausmen, Henderson, Herndon, Hicks, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—86.

Nays—Messrs. Broome, Fowler, Gillis, Hocker, Malone, Miller and Taylor—7.

So the additional section was finally passed as stated.

The following three additional sections, reported by the Committee on Miscellaneous Provisions and Judiciary Department, were read the second time :

#### SUBSTITUTE TO ADDITIONAL SECTION OF ARTICLE XVI.

When it shall appear to the Governor from a certificate of two practicing Physicians that any officer of this State not entitled to a deputy shall from any cause, happening after being qualified, become incapable of properly discharging his official duties, the Governor may appoint an officer to discharge such duties until such disability shall cease or until a permanent officer is qualified. But the Governor shall report his action in the premises to the Legislature at its next ensuing session for such action as to the Legislature shall seem proper.

#### ADDITIONAL SECTION TO ARTICLE XI.

SECTION —. The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general county fund of their respective counties.

SEC. —. The Legislature may provide for the drainage of the land of one man over or through that of another, and for

just compensation therefor to the owner of the land over which such drainage is had.

The first additional section was read.

Mr. Gillis moved to amend as follows :

Strike out all after word "Governor," in 1st line, to the word "that," in 2d line ;

Which was agreed to.

Upon motion of Mr. Malone, the additional section was stricken out.

The following additional section to Article XVI was read the second time :

SEC. —. The Legislature may provide for the drainage of the land of one man over or through that of another, and for just compensation therefor to the owner of the land over which such drainage is had.

Which was adopted without amendment, and passed to a third reading.

The rules were waived, and the section was read a third time.

Upon motion, the word "man" was stricken out and the word "person" placed in lieu thereof.

The question was then upon the final passage of the section as amended.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bell of Brevard and Dade, Bennett, Blackburn, Blount, Broome, Bush, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Duncan, Earle, Edge, Genovar, Gibbs, Gillis, Goss, Greeley, Green, Hargret, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lewis, Lutterloh, Mann, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Sheats, Speer, Stone, Swearingen, Taylor, Thompson, Tolbert, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyllly Yonge and Zipperer—83.

Nays—Messrs. Davis, Fowler, Love, Malone, Miller, Scott and Tompkins—7.

So the additional section was passed as stated.

The following additional section to Article XI was read the second time :

## ADDITIONAL SECTION TO ARTICLE XI.

SECTION —. The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general county fund of their respective counties.

Mr. Sheats moved to amend as follows:

Amend by striking out the first two lines and "and" and "other" before and after "all." It will then read "all county officers receiving stated salaries shall be paid from the general county fund of their respective counties."

Mr. Johnson moved to lay the additional section and amendments on the table;

Which was not agreed to.

The question was upon the amendment offered by Mr. Sheats.

Mr. McClellan moved to lay the amendment on the table;

Which was agreed to and the amendment was laid on the table.

The question was then upon the adoption of the section.

The yeas and nays were called.

The vote was:

Yeas—Messrs Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Bush, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Edge, Fogarty, Goodbread, Green, Hatch, Hausman, Henderson, Herndon, Hocker, Jones, Lewis, Love, Lutterloh, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parkhill, Paterson, Pelot, Randell of Madison, Randolph, Richard, Rogers, Rowe, Scott, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wally and Zipperer—57.

Nays—Messrs. Blount, Carter, Carr, Challen, Chandler, Conover, Cook, Fowler, Genovar, Gibbs, Gillis, Greeley, Hargret, Hendley, Hicks, Hope, Humphries, Hunter, Ives, Johnston, Landrum, Lesley, Malone, Mann, Miller, Mitchell, McKinnon, Parsons, Petty, Randall of Duval, Robertson, Sanchez, Sheats, Taylor, Thompson, Walter, Wellman, Westcott and Yonge—39.

So the additional section was adopted and passed to its third reading.

Mr. Taylor, Chairman of the Committee on Style and Arrangement, asked leave to have 200 copies of the corrected

Articles printed for use of the Convention, which was agreed to, and it was so ordered.

The additional section to Article XI, Relating to the Compensation of School Officers, was read a third time and placed upon its passage.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Bush, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Davidson, Davis, Duncan, Edge, Fogarty, Goodbread, Green, Hatch, Hausman, Henderson, Herndon, Hocker, Jones, Lewis, Love, Lutterloh, Malone, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parkhill, Paterson, Pelot, Petty, Randell of Madison, Randolph, Richard, Rogers, Scott, Speer, Stone, Swearingen, Tedder, Tolbert, Tompkins, Wadsworth, Walker, Jr., Weeks, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Zipperer—59.

Nays—Messrs. Blount, Broome, Carter, Carr, Challen, Chandler, Conover, Cook, Earle, Fowler, Genovar, Gibbs, Gillis, Goss, Greeley, Hargret, Hendley, Hicks, Hope, Humphries, Hunter, Ives, Johnston, Landrum, Lesley, Mann, Miller, Mitchell, McKinnon, Parsons, Randall of Duval, Rowe, Sanchez, Sheats, Taylor, Thompson, Turnbull, Walter, Wellman, Westcott and Yonge—41.

So the additional section was passed as stated.

Article XIV, on Suffrage and Eligibility, came up for consideration on its third reading, and was read a third time.

Mr. Challen offered the following amendment to section 4 :  
Strike out the word "larceny " from section 4.

Mr. Malone moved to lay the amendment on the table ;

Which was agreed to.

Mr. Turnbull moved the final passage of Article XIV, on Suffrage and Eligibility, and moved the previous question.

The question was, Shall the main question be now put ?

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Bennett, Bethel, Blackburn, Blount, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Hausman, Hendley, Herndon, Hicks, Hope, Humphries, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McClellan, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Randell of Madison, Randolph, Richard, Robertson, Scott, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wilson of Clay, Wyly and Yonge—52.



Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Broome, Bush, Carr, Challen, Chandler, Conover, Fowler, Genovar, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hocker, Hunter, Landrum, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Pelot, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Sheats, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee and Zipperer—42.

So the main question was ordered.

The question was upon the final adoption of Article XIV, on Suffrage and Eligibility.

The yeas and nays were called.

The vote was :

Yeas—Mr. President, Messrs. Bennett, Bethel, Blackburn, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Hausman, Hendley, Herndon, Hocker, Hope, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McClellan, Odom, Orman, Parkhill, Parsons, Paterson, Randell of Madison, Richard, Robertson, Scott, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Wilson of Clay, Wyly and Yonge—53.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bush, Carr, Challen, Chandler, Conover, Fowler, Genovar, Gibbs, Goodbread, Goss, Greeley, Green, Hargret, Hatch, Hicks, Humphries, Hunter, Landrum, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Neel, Oliveros, Petty, Randall of Duval, Rogers, Rowe, Sanchez, Sheats, Thompson, Tolbert, Tompkins, Walter, Westcott, Wilson of Polk and Manatee and Zipperer—42.

Excused—Campbell, Marshall, Monsalvatge, Parker, Pelot, Wall and Whitmire—7.

Not Voting—Edge, Henderson, Ives, McCaskill, Randolph and Tedder—6.

So the Article was not passed.

Mr. Mann offered the following Ordinance :

### AN ORDINANCE

TO BE VOTED UPON SEPARATE FROM THE CONSTITUTION, TO BECOME A PART OF THE CONSTITUTION IF ADOPTED.

That in addition to the requisite qualifications of an elector of this State as recited in section one of this Article : No person shall be deemed such qualified elector until he shall have

paid each year a capitation tax not to exceed one dollar, as shall be provided by law ;

Which was withdrawn.

Mr. Conover offered the following resolution :

That the standing committee of this body No. 6, be and are hereby requested to prepare and report to this body without unnecessary delay an Article of this Constitution on Suffrage and Eligibility ;

Which was agreed to.

Upon motion, the Convention took a recess until 4 o'clock P. M. to-day.

#### FOUR O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

The roll being called the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hargret Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyllly, Yonge and Zipperer—101.

A quorum present.

Mr. Greeley was excused.

Mr. McCreary and Dr. Mayes were invited to seats within the bar of the house.

Mr. Taylor, Chairman of the Committee on Style and Arrangement, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 31, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Style and Arrangement of the Constitution, beg leave to report that the provision contained in section eight (8) of the Declaration of Rights to the effect that all *felonies* shall be tried *only* upon *presentment* or *indictment* by a grand jury, is inconsistent with the provisions of sections twenty-five (25) and twenty-eight (28) of Article XI (Judiciary Department), whereby the Criminal Courts, to be established in Escambia and such other counties as the Legislature may deem expedient, are clothed with jurisdiction to try *all* crimes not capital ; and provide that such trials in said Criminal Courts shall be upon "*information*."

For the purpose of reconciling this inconsistency, your committee have inserted in line two (2) of section eight (8) of the Declaration of Rights, after the words "grand jury" the following :

"Except as is otherwise provided in this Constitution."

As the said correction involves a matter of substance, your committee have deemed it proper to report the same to the Convention for such action as it may see proper to take, and respectfully recommend that the said amendment so made by your committee be adopted.

Very respectfully,

R. F. TAYLOR, Chairman.

Which was read, and the recommendation was unanimously adopted.

Mr. Love, of Committee on Miscellaneous Provisions, offered the following report :

CONVENTION HALL, TALLAHASSEE, FLA., July 31, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Miscellaneous Provisions to whom was referred—

Ordinance by Mr. Miller, in relation to printing and distributing the revised Constitution and Journals of this Convention, respectfully report that they have had the same under consideration and herewith return the same without recommendation.

Your committee have also considered the resolution by Mr. Goodbread, in relation to the propriety of including section 7 of Article 16 of the Constitution of 1868 in the revised Con-

stitution, and respectfully recommend that the resolution be laid on the table ;

Also additional section by Mr. Hicks has been duly considered and your committee believing that this Convention has no power to bind any future Convention of the people respectfully recommend that the section be laid upon the table ;

Very respectfully,

E. C. LOVE,

Chairman of Committee.

Which was received and placed among the orders of the day.

Mr. Blount offered the following additional section :

The Legislature may provide for the appointment of a suitable person to act in the place of any judicial officer who shall become unable or disqualified by reason of extreme illness or other physical or mental disability, or by reason of his impeachment, to perform the duties of his office ; and the person so appointed may perform such duties until the disability shall cease or until the term of such officer shall expire.

Mr. Challen moved to waive the rules so that the additional section might be at once considered ;

Which was agreed to.

Mr. Challen moved that rules be further waived and the additional section be read the first time and passed to its second reading ;

Which was agreed to, and the section was read the first time.

Upon motion the section was read the second time.

The section was passed without amendment.

Upon motion the rules were further waived, and the section was read a third time and put upon its final passage.

The yeas and nays were called for.

The vote was :

Nays—Mr. President, Messrs. Bell of Brevard and Dade, Bennett, Bethel, Blackburn, Blount, Broome, Carr, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goss, Green, Hargret, Hatch, Hausman, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Love, Lutterloh, Malone, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks,

Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—86.

Nays—Messrs. Baker, Goodbread, Miller, Petty and Tolbert—5.

So the section was passed as stated.

The Convention resumed the consideration of Ordinance No. —, on Expenditures, on its second reading.

The remaining section 4 was read.

Mr. Broome offered the following amendment :

Add to section 4 : After "members," in line 3, the words "payable to themselves or their order bearing interest at the rate of 8 per centum per annum from date," and strike out from "members," in third line, to and including "two," in 4th line.

Mr. Malone offered the following substitute :

SEC. 3. *Be it further ordained*, That the Secretary of this Convention be and he is hereby authorized to audit the account of the members and all other expenses, and upon certificates signed by the President and Secretary, the Comptroller is required to draw his warrants on the Treasurer for the amounts thereof in favor of the holders thereof, and the Treasurer shall pay the warrants issued for certificates for expenses and mileage of members first out of the moneys appropriated by the Legislature to defray the expenses of the Constitutional Convention, and shall then pay the warrants drawn for certificates issued for per diem of members pro rata out of the balance of said money, and shall pay any balance on said warrants out of any moneys in the Treasury not otherwise appropriated, and the certificates so issued shall bear interest from date at 8 per cent. per annum ;

Which was withdrawn.

The question was upon the adoption of the amendment offered by Mr. Broome

The amendment was adopted.

Section 4 was then passed as amended.

Section 5 was read and passed without amendment.

*Be it Ordained by the People of Florida, Represented in Constitutional Convention :*

SECTION 1. The pay of the members of the present Constitutional Convention shall be a per diem for attendance of six (\$6.00) dollars per day in addition to mileage of ten cents per mile, each way, from their places of residence to the Capital and return, estimated by the shortest thoroughfare.

SEC. 2. The pay of the Secretary and Assistant Secretary of



the Convention, and all the Clerks elected by the Convention, shall be six (\$6.00) dollars per diem each, allowing the Secretary and Assistant Secretary one day after adjournment to complete unfinished business; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the Chairman of the Committee; the pay of the Sergeant-at-Arms shall be six (\$6.00) dollars per diem, and Assistant Sergeant-at-Arms shall be five (\$5.00) dollars per diem; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each; the pay of the Doorkeeper shall be five (\$5.00) dollars per diem; the pay of Pages shall be three (\$3.00) dollars per diem each; the pay of the Janitor shall be two (\$2.00) dollars per diem; the pay of the Chaplain shall be one hundred dollars; the Recording Clerk shall complete his work after the adjournment of the Convention, under the supervision of the Secretary of State, and shall be paid for the same fifty dollars when his work is completed. Eighteen dollars shall be paid W. R. Carter for services as Assistant Secretary for three days. Messrs. Dorr & Bowen shall be paid for printing the amount approved by the Committee on Printing, certified by the President and Secretary of the Convention.

SEC. 3. The Comptroller is required to draw his warrant on the Treasurer in favor of the officers and employees of this Convention, for the full amount allowed them by section 2, and to each delegate of this Convention for his pro rata share of the amount appropriated by the Legislature, after deducting from said amount the amount due said employees and all other expenses, including mileage of members, incurred by this Convention.

SEC. 4. The President is authorized on behalf of this Convention to issue certificates signed by himself and countersigned by the Secretary to each of the members, payable to themselves or their order, bearing interest at the rate of 8 per cent. per annum from date, for the amount remaining due to each on account of the deficiency of the Legislative appropriation for expenses of this Convention.

SEC. 5. The Legislature shall make an appropriation at its next session to pay said certificates.

SEC. 6. *Be it further ordained*, That the Secretary of this Convention be and he is hereby authorized to audit the accounts of the members and all other expenses.

Upon motion the rules were waived and the ordinance read a third time and put upon its passage.

The ordinance was read a third time.

Mr. Malone offered the following additional section :

SEC. — *Be it further ordained*, That the Secretary of this Convention be and he is hereby authorized to audit the account of the members and all other expenses;

Which was read the first, second and third time by unanimous consent and adopted.

Mr. Bennett offered the following amendment to section 2 :

Strike out all after the word " same," in line 18, to and including " work," in line 19, and insert " fifty dollars when his work is completed."

Mr. Fowler moved to amend the amendment by striking out " fifty," and inserting " twenty-five."

Mr. Gillis moved to lay the amendment to the amendment on the table ;

Which was agreed to.

The question was upon the adoption of the amendment offered by Mr. Bennett ;

Which was agreed to.

The question was then upon the final passage of the ordinance.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blount, Broome, Bush, Carr, Carson, Challen, Chandler, Clark of Jackson, Conover, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs Gillis, Goodbread, Hargret, Hatch, Hausman, Hicks, Hocker, Hope, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Miller, Mitchell, Morgan, McClellan, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Petty, Randall of Duval, Randell of Madison, Randolph, Robertson, Rogers, Rowe, Sanchez, Scott, Speer, Stone, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Yonge and Zipperer—74.

Nays—Messrs. Green, Henderson, Herndon, McCaskill, Richard and Swearingen—6.

So the ordinance was passed as stated.

Mr. Miller moved that the Secretary be required to certify a copy of the Ordinance to the Comptroller and State Treasurer ;

Which was agreed to, and it was so ordered.

Mr. Conover moved that the Secretary be authorized to have suitable pay certificates printed ;

Which was agreed to.

Mr. Mann, Chairman of the Committee on Suffrage and Eligibility, made the following majority report:

CONVENTION HALL, TALLAHASSEE, FLA., July 31, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: Your Committee to which was referred Article XIV, on Suffrage and Eligibility—

Beg leave to report that they have considered the same in the light of the debate which has been had in this Convention upon the subject matter of their former report, and which debate has led to the re-reference of said Article to this Committee; and have, after careful deliberation, determined that, although it would be in many respects preferable to relegate the question of a poll-tax as a pre-requisite to suffrage to the action of the next Legislature, which course the Committee would otherwise have no hesitancy in recommending, yet, believing that the Legislature might find itself as unable to reflect the views of the people upon this subject, and to settle upon any fixed or definite course in relation to the matter as is this Convention; and also believing that this is a question which should be left for the people themselves to determine by ballot, as they may deem fit, without any attempt on the part of this Convention to force its views, or the views of any portion of its membership, upon them, they therefore respectfully report the accompanying Article, together with an Ordinance upon the subject of a poll-tax, to be submitted to a vote of the people, separate from the Constitution, for their acceptance or rejection, as they shall see proper.

Very respectfully,

A. S. MANN,  
Chairman of Committee.

Which was read.

MAJORITY REPORT.]

## ARTICLE XIV.

### SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of offering to vote, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months next preceding the election at which he shall offer to vote, shall in such county

be deemed a qualified elector at all elections under this Constitution. Every elector shall, at the time of his registration, take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution of the State of Florida."

SEC. 2. No person under guardianship, *non compos mentis* or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

SEC. 3. The legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or become directly or indirectly interested in any bet or wager, the result of which shall depend upon any election; or who shall hereafter fight a duel or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 4. Any person who shall give, or promise or offer to give, to an elector any money, reward or other valuable consideration for his vote at an election in this State, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive or agree to receive for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, but any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue, when his vote shall be received.

SEC. 5. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit under the laws of this State; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of six years.

SEC. 6. In all elections by the Legislature the vote shall be



*viva voce*, and in all elections by the people the vote shall be by ballot.

SEC. 7. The Legislature, at its first session after the ratification of this Constitution, shall by law provide for the registration of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

SEC. 8. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this Constitution, if required by any elector shall produce to the persons lawfully authorized to conduct and supervise such election, a duly sealed and certified copy of his declaration of intention, and if unable to do so by reason that such copy cannot be obtained at the time of said election, he shall be allowed to make affidavit before a proper officer, setting forth the reason why he is unable to furnish such certificate, and if said affidavit proves satisfactory to the Inspectors they shall allow said elector to cast his vote, and any naturalized citizen offering to vote shall, if so required by any elector, produce his certificate of naturalization, or a duly certified copy thereof, and in the event said elector cannot produce the same he shall be allowed to make affidavit before a proper officer, stating in full the reason why it cannot be furnished, and if satisfactory to the Inspectors of said election, said elector shall be allowed to vote at said election.

SEC. 9. The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution.

## AN ORDINANCE

TO BE VOTED UPON SEPARATE FROM THE CONSTITUTION, TO BECOME A PART OF THE CONSTITUTION IF ADOPTED.

That in addition to the requisite qualifications of an elector of this State as recited in section one of this Article: No person shall be deemed such qualified elector until he shall have paid each year a capitation tax not to exceed one dollar, as shall be provided by law.

Mr. Pelot, of the Committee on Suffrage and Eligibility, offered the following minority report:

CONVENTION HALL, TALLAHASSEE, FLA., July 31, 1885.

HON. SAMUEL PASCO,

*President of the Convention:*

SIR: We, the undersigned, a minority of the Committee on



Suffrage and Eligibility, would respectfully submit that while we agree mainly with the report of a majority of the committee, we are not in favor of adopting as a separate ordinance the matter of a poll-tax as a qualification for voting, believing that it should be left in the power of the Legislature, in order that they, representing the people, may impose such a prerequisite, and in case the operation of the law should be such as would be detrimental to the public good, the same may be abolished. We would further submit that section 4 of the committee's original report is fully provided for in other sections of the report, and in a less objectionable way, and we believe that in practice the operation of said section would be found oppressive, obstructive and mischievous; and we further believe that it is in contravention of the Bill of Rights. We would, therefore, as embodying our views, respectfully submit the following report and recommend its adoption.

Very respectfully,

J. C. PELOT,  
W. T. ORMAN,  
E. L. ODOM,  
S. J. TURNBULL,  
Committee.

#### MINORITY REPORT.]

### ARTICLE XIV.

#### SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards, who shall, at the time of registration, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, shall in such county be deemed a qualified elector at all elections under this Constitution.

SEC. 2. The Legislature, at its first session after the ratification of this Constitution, shall by law provide for the registration of all the legally qualified voters in each county, and for the returns of elections: and shall also provide that after the completion, from time time, of such registration, no person not duly registered according to law shall be allowed to vote.

SEC. 3. Every elector shall, at the time of his registration, take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I

am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county six months, and I am qualified to vote under the Constitution and laws of the State of Florida."

SEC. 4. No person under guardianship, *non compos mentis*, or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

SEC. 5. The Legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust, or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury larceny or of infamous crime, or who shall make or become directly or indirectly interested in any bet or wager, the result of which shall depend upon any election; or who shall hereafter fight a duel or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 6. In all elections by the Legislature the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

SEC. 7. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this Constitution, if required by any elector shall produce to the persons lawfully authorized to conduct and supervise such election a duly sealed and certified copy of his declaration of intention, and if unable to do so by reason that such copy cannot be obtained at the time of said election, he shall be allowed to make affidavit before a proper officer, setting forth the reason why he is unable to furnish such certificate, and if said affidavit proves satisfactory to the inspectors they shall allow said elector to cast his vote; and any naturalized citizen offering to vote shall if so required by any elector produce his certificate of naturalization or a duly certified copy thereof, and in the event that said elector cannot produce the same, he shall be allowed to make affidavit before a proper officer stating in full the reason why it cannot be furnished, and if satisfactory to the inspectors of said election said elector shall be allowed to vote at said election.

SEC. 8. The Legislature shall have the power to make the payment of the poll tax a prerequisite for voting and all such taxes received shall go into the school fund;

Which was read.

Mr. Mann moved the consideration of the majority report.

Mr. Yonge moved to substitute the minority for the majority report and consider it.

Mr. Mann moved to lay the motion to substitute on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Bennett, Bush, Carter, Carr, Carson, Challen, Chandler, Conover, Fowler, Genovar, Gibbs, Goodbread, Goss, Hargret, Humphries, Hunter, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Oliveros, Petty, Randall of Duval, Rogers, Sanchez, Thompson, Tompkins, Walker, Jr., Walter, Westcott and Zipperer—35.

Nays—Mr. President, Messrs. Bell of Brevard and Dade, Bethel, Blackburn, Blount, Broome, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Gillis, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Ives, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—63.

So the motion was not agreed to.

Mr. Sheats gave notice that he would on to-morrow move to reconsider the vote by which Article XIV was lost to-day.

Mr. Yonge moved the previous question on the motion to substitute the minority report for that of the majority.

The question was :

Shall the main question be now put ?

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bethel, Blackburn, Blount, Carson, Clarke of Jefferson, Clarke of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Hatch, Hausman, Hendley, Herndon, Hicks, Hocker, Hope, Ives, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wylly and Yonge—59.

Nays—Messrs. Baker, Bell of Hamilton, Bennett, Broome, Bush, Carter, Carr, Challen, Chandler, Conover, Edge, Fowler, Genovar, Gibbs, Goodbread, Goss, Green, Hargret, Hum-

phries, Hunter, Landrum, Lesley, Lewis, Mann, Miller, Mitchell, McKinnon, Oliveros, Petty, Randall of Duval, Rogers, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott and Zipperer—38.

So the previous question was ordered.

The question was, shall the minority report be substituted for that of the majority ;

Which was agreed to.

Mr. Conover moved that the rules be waived, and that both reports be read the first time by their titles.

Mr. Walker, Jr., moved to lay the motion to waive the rules on the table ;

Which was not agreed to.

The minority report was read the first time by its title.

The majority report was then read the first time by its title.

Mr. Bethel moved that the rules be further waived, and the reports be read a second time.

The question was upon the suspension of the rules.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bethel, Blackburn, Blount, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Duncan, Earle, Fogarty, Gillis, Hausman, Hendley, Herndon, Hicks, Hocker, Humphries, Ives, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rogers, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wilson of Polk and Manatee, Wyly and Yonge—58.

Nays—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Broome, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goodbread, Goss, Hargret, Hatch, Henderson, Hope, Hunter, Lewis, Mann, Miller, Mitchell, McKinnon, Oliveros, Petty, Randall of Duval, Tedder, Thompson, Walker, Jr., Walter, Westcott and Zipperer—33.

So the Convention refused to suspend the rules, two-thirds not voting in the affirmative.

On motion of Mr. McClellan, the Convention adjourned until 9 o'clock A. M. to-morrow.



## FORTY-FIFTH DAY.

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SATURDAY, AUGUST 1, 1885.

The Convention met pursuant to adjournment.

President Pasco in the chair.

The roll being called, the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fogarty, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyllly, Yonge and Zipperer—98.

A quorum present.

Prayer by the Chaplain.

Mr. Rogers, moved that the reading of the Journal be dispensed with ;

Which was agreed to.

The Journal was corrected and approved.

Mr. Miller offered the following resolution :

*Resolved*, That this Convention do adjourn *sine die* on Monday, the 3d day of August, A. D. 1885.

*Resolved, further*, That a copy of this resolution be immediately certified to the Comptroller ;

Which was considered by unanimous consent.

Mr. Conover moved to strike out the words " 12 o'clock M ;"

Which was agreed to, and the resolution was adopted as amended.

Mr. Conover offered the following, which was considered by unanimous consent :

That the Committee on Engrossment and Enrollment are



hereby hereby authorized to employ such additional clerical force as may be necessary to secure the speedy enrollment of the Constitution; and the Serectary of the Convention is authorized to audit the account, and the Comptroller to pay the same, on the approval of the Committee on Engrossment and Enrollment for such such additional clerical assistance ;

Which was agreed to and adopted.

Mr. Orman offered the following resolution ;

Which was considered by unanimous consent :

*Resolved*, That the President and Secretary be authorized to issue the certificates of pay, when wanted in small sums of not less than twenty-five dollars each, for the accommodation of the members.

Upon motion, the resolution was declared adopted.

Mr. Gillis, Chairman of Committee to Revise and Supervise the Recording of the Journal, made the following report :

CONVENTION HALL, TALLAHASSEE, FLA., August 1, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on Revising the Recording of the Journal instruct me to report that they have revised the Journal up to the proceedings of July the 22d, the same being the 36th day.

Very respectfully,

IRVING GILLIS,

Chairman Committee.

Which was received and read.

The Ordinance to Provide for the Distribution of the Journals of this Convention and the Revised Constitution,

Was read the first time by its title and placed among the orders of the day.

Article XIV, on Suffrage and Eligibility, came up for consideration on its second reading.

The minority report was read.

Mr. Pelot moved to have the last clause in section 7 made a separate section and numbered section 8 ;

Which was agreed to and it was so ordered.

Mr. Walker, Jr., moved to indefinitely postpone further consideration of the minority report.

Mr. Turnbull moved to lay the motion to indefinitely postpone on the table ;

Which was agreed to, and the motion was laid upon the table.

Mr. Mann made the following motion :

That Section 8 of the minority report be first considered.

Mr. Clarke, of Jefferson, moved to lay the motion on the table ;

Which was not agreed to.

Mr. Oliveros moved the adoption of section 8 as reported by the minority report.

Mr. Turnbull moved to amend as follows :

Section 8, line 2, strike out "have the power to."

Mr. Randell, of Madison, offered to amend the amendment as follows :

Section 8, strike out in second line "shall have power," and insert "shall at its first session after the adoption of this Constitution make."

Mr. Mann moved to lay the amendment and the amendment thereto on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Bennett, Broome, Bush, Carter, Carr, Carson, Challen, Chandler, Conover, Duncan, Earle, Fowler, Genovar, Gibbs, Goodbread, Goss, Green, Hargret, Hendley, Hicks, Hocker, Hope, Humphries, Hunter, Landrum, Lesley, Lewis, Mann, Miller, Mitchell, Neel, Parsons, Pelot, Petty, Randall of Duval, Randolph, Rogers, Rowe, Sanchez, Sheats, Swearingen, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Westcott, Wilson of Polk and Manatee and Zipperer—51.

Nays—Mr. President, Messrs. Bethel, Blackburn, Blount, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davidson, Davis, Edge, Fogarty, Gillis, Hatch, Hausman, Henderson, Herndon, Johnston, Jones, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Oliveros, Orman, Parkhill, Paterson, Randell of Madison, Richard, Robertson, Scott, Speer, Stone, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Clay, Wyly and Yonge—47.

So the motion to lay on the table was agreed to.

Mr. Oliveros renewed his motion to adopt section 8 as amended ;

Which was agreed to.

Section 8 was adopted as amended.

Mr. Lesley offered the following additional two sections :

SEC. 9. Any person who shall give, or promise or offer to give, to an elector any money, reward or other valuable con-

sideration for his vote at an election in this State, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive or agree to receive for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, but any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue, when his vote shall be received.

SEC. 10. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit under the laws of this State; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of six years.

Mr. Pelot moved to lay the additional sections on the table. The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Blackburn, Blount, Broome, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Cook, Davis, Duncan, Earle, Fogarty, Genovar, Gillis, Hatch, Hausman, Hendley, Herndon, Hicks, Hope, Ives, Johnston, Jones, Landrum, Love, Lutterloh, Malone, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Westcott, Wilson of Clay, Wylly and Yonge—62.

Nays—Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bush, Carr, Challen, Chandler, Conover, Edge, Fowler, Gibbs, Goodbread, Goss, Green, Hargret, Hocker, Hunter, Lesley, Lewis, Mann, Miller, Mitchell, Petty, Randall of Duval, Thompson, Tolbert, Tompkins, Walker, Jr., Walter, Wilson of Polk and Manatee, and Zipperer—31.

So the motion to lay on the table was agreed to.

Mr. Oliveros offered the following additional section :

SEC. 9. The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution ;

Which was adopted.

Mr. Baker moved to reconsider the vote by which additional sections 8 and 9, offered by Mr. Lesley, were laid upon the table.

By unanimous consent the motion was immediately considered.

The question was upon the motion to reconsider.

Mr. Oliveros moved to lay the motion to reconsider on the table;

Which was agreed to, and the motion to reconsider was laid on the table.

Article XIV having passed its second reading, Mr. Mann moved that the rules be suspended, and that Article XIV, as reported by the minority of the committee and amended by the Convention, be read a third time and put upon its passage.

The rules were waived by unanimous consent, and the Article as amended was read a third time.

Mr. Walker, Jr., offered to amend section 9 as follows :

Add the following : "To the extent of disfranchising and disqualifying from holding office persons convicted of fraud at election."

Mr. Malone moved to lay the amendment on the table ;

Which was agreed to.

Mr. Malone moved to strike out the word "poll" in section 8 and insert the word "capitation" in lieu thereof;

Which was agreed to.

Mr. Miller offered the following additional section :

Insert as a new section : Section 5. Any person who shall be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit under the laws of this State; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely.

Mr. Pelot moved to lay the additional section on the table ;

Which was agreed to.

Mr. Pelot moved that Article XIV on Suffrage and Eligibility, as amended, be put upon its final passage, and moved the previous question.

The previous question was ordered.

The question was upon the final passage of Article XIV as amended.

The yeas and nays were called for.

The vote was :

Yeas—Mr. President, Messrs. Bell of Brevard and Dade, Bell of Hamilton, Bennett, Bethel, Blackburn, Blount, Broome,



Bush, Carter, Carson, Clarke of Jefferson, Clark of Jackson, Coker, Conover, Cook, Davis, Duncan, Earle, Edge, Fogarty, Genovar, Gillis, Goodbread, Green, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Jones, Landrum, Lesley, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Milton, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Randell of Madison, Randolph, Richard, Robertson, Rogers, Rowe, Sanchez, Scott, Sheats, Speer, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Turnbull, Wadsworth, Walker, Jr., Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wyly, Yonge, and Zipperer—86.

Nays—Messrs. Baker, Carr, Challen, Chandler, Fowler, Gibbs, Goss, Hargret, Miller, Mitchell, Petty and Randall of Duval—12.

So Article XIV was passed as stated.

Upon motion the rules were waived and the following Ordinance was read a second time:

## AN ORDINANCE

TO PROVIDE FOR THE DISTRIBUTION OF THE JOURNALS OF THIS  
CONVENTION AND THE REVISED CONSTITUTION.

*The People of the State of Florida, in Convention assembled, do ordain as follows:*

The printer of this Convention shall, without delay, print and have stitched in pamphlet form ——— thousand copies of the Journals of this Convention and ——— thousand copies of the Revised Constitution, and immediately deliver the same, together with a statement of the estimated cost thereof, to the Secretary of State, who shall, as soon as possible after their publication, distribute copies as follows: To each of the officers to whom he is at present required to distribute copies of the acts of the Legislature, two copies; to each member of this Convention, two copies; to each Clerk of the Circuit Court for general distribution, twelve copies. The Secretary of State shall distribute copies of the Journals and Constitution in the same manner that he is required to distribute acts of the Legislature.

The next Legislature, after the passage hereof, shall provide compensation for the printing and distribution of the documents herein required to be printed and distributed.



Mr. Baker moved to amend as follows :

Add the words "and attaches" after word "member," in 11th line, and after word "Legislature," in last line of first paragraph, add "and to each editor of any newspaper in the State applying for the same five copies."

Mr. Wyly moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Baker moved to insert the word "one" in the first blank and the word "five" in the second blank.

Mr. Chandler moved that further consideration of the Ordinance be postponed until the report of the Committee on Printing be received.

Mr. Turnbull offered the following resolution :

That an index to the proceedings of this Convention be prepared under the direction of the President and that it be published with the proceedings.

Mr. Oliveros moved to lay the resolution on the table ;  
Which was agreed to.

Mr. Taylor offered the following additional section to Miscellaneous Provisions :

The Legislature shall appropriate at least five hundred dollars each year for the purchase of such books for the Supreme Court library as the said Court may direct.

The question was upon the suspension of the rules so that the additional section might be considered.

The rules were suspended.

The additional section was read the first time.

Mr. Walter moved the further suspension of the rules that the additional section might be read a second time ;

Which was agreed to, and the rules were suspended.

The additional section was read a second time.

Mr. Walter moved that the rules be again suspended, the additional section be read a third time and put upon its final passage ;

Which was agreed to, and the rules were suspended.

The additional section was read a third time and put upon its final passage.

The yeas and nays were called.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bennett, Blount, Broome, Carter, Carr, Carson, Challen, Chandler, Clark of Jackson, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fowler, Genovar, Gillis, Green, Hatch,

Hausman, Hicks, Hocker, Humphries, Hunter, Ives, Jones, Lesley, Lewis, Love, Lutterloh, Mann, Maxwell, Miller, Milton, McCaskill, McClellan, Odom, Oliveros, Parkhill, Parsons, Patterson, Pelot, Randall of Duval, Randell of Madison, Randolph, Richard, Rogers, Rowe, Sanchez, Speer, Taylor, Thompson, Turnbull, Wadsworth, Walker, Jr., Walter, Wellman, Westcott, Wyly and Yonge—64.

Nays—Messrs. Bell of Hamilton, Blackburn, Coker, Goodbread, Goss, Henderson, Herndon, Morgan, Neel, Orman, Sheats, Stone, Swearingen, Tedder, Tolbert, Tompkins, Weeks, Wilson of Clay and Zipperer—19.

So the additional section was finally passed as stated.

Mr. Turnbull, Chairman of the Committee on Printing, made the following report :

*Constitutional Convention of Florida,*

*To Dorr & Bowen—For Printing.*

1885.	Dr.
July 20—To net amount of bill rendered this day.....	\$2,176.98
Aug. 1—To Daily Journals from July 20th.....	\$2,682.10
Aug. 1—By 30 per cent. off.....	804.63— 1,877.47
Aug. 1—To miscellaneous printing, from July 20th.	560.60
Aug. 1—By 30 per cent. off.....	168.18— 372.42
Aug. 1—To 345 pages, 353 to 697, at \$1.15 per page.	396.75
Aug. 1—By 30 per cent. off.....	119.02— 277.73
Net amount due .....	\$4,724.60

Upon motion, the report was received, adopted and the amount ordered paid.

Mr. Randall, of Duval, offered the following resolution :

*Ordered*, That a sheet of enrolling paper be forthwith prepared with the form of attestation usually employed, attesting that the Constitution annexed was adopted in open Convention, and that members of the Convention sign the same, and the President append the same to the enrolled Constitution ;

Which was agreed to.

Mr. Speer moved that the report of the Committee on Miscellaneous Provisions as reported yesterday be considered ;

Which was agreed to, and the report was adopted and the recommendations agreed to.

Mr. Conover called up the following resolution offered by him on the 28th day of the session, as follows :

“ The Legislature shall provide a pension for indigent soldiers and sailors, not other wise provided for by law ; ”

Which was read.

The question was upon the waiving of the rules that the resolution might be immediately considered.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Hamilton, Bush, Carr, Carson, Chandler, Conover, Earle, Goodbread, Goss, Hocker, Hunter, Lesley, Lewis, Lutterloh, Maxwell, Sanchez, Sheats, Tolbert, Walker, Jr., and Wilson of Polk and Manatee—21.

Nays—Messrs. Blackburn, Blount, Broome, Carter, Challen, Clarke of Jefferson, Coker, Cook, Davidson, Davis, Duncan, Edge, Fowler, Genovar, Gibbs, Gillis, Hargret, Hatch, Hendley, Henderson, Herndon, Hicks, Hope, Humphries, Ives, Johnston, Jones, Love, Miller, Morgan, McCaskill, McClellan, Neel, Odom, Oliveros, Orman, Parkhill, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randolph, Richard, Stone, Tedder, Weeks, Wilson of Clay, Wyly and Zipperer—50.

So the rules were not suspended.

Mr. Walker, Jr., moved the suspension of the rules, that he might introduce the following additional section :

SECTION —. That the Legislature at its first session under this Constitution shall provide for the pensioning of disabled soldiers and sailors who enlisted in any company or regiment in Florida of the Union or Confederate armies, or may have served in the navy of the United States or the Confederate States during the late war between the States, and such provision for pension shall depend upon no condition whatever, except that such soldiers and sailors were disabled by loss of limb or otherwise from performing any kind of work or labor, while acting in line of duty ; *Provided*, No person receiving, or hereafter to receive, a pension from the General Government shall receive the benefits of this section.

The question was upon the waiving of the rules ;

Which was agreed to, and the additional section was read the first time.

Mr. Gillis moved to lay the additional section on the table ;

Which was agreed to, and the additional section was laid on the table.

Mr. Walker, Jr., gave notice that he would on Monday move to reconsider the vote just taken.

On motion, the Convention took a recess until 4 o'clock P. M. to-day.

## FOUR O'CLOCK P. M.

The Convention met pursuant to adjournment.

Vice-President Yonge in the chair.

The roll was called, and the following delegates answered to their names :

Mr. President, Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Broome, Bush, Carter, Carr, Carson, Chandler, Clark of Jackson, Conover, Cook, Davidson, Davis, Duncan, Earle, Edge, Fowler, Genovar, Gibbs, Gillis, Goodbread, Goss, Green, Hatch, Hausman, Hendley, Henderson, Herndon, Hicks, Hocker, Hope, Humphries, Hunter, Ives, Johnston, Landrum, Lesley, Lewis, Lutterloh, Maxwell, Miller, Milton, Mitchell, Morgan, McCaskill, McClellan, McKinnon, Neel, Odom, Oliveros, Orman, Parsons, Paterson, Pelot, Petty, Randall of Duval, Randell of Madison, Randolph, Robertson, Rogers, Rowe, Sanchez, Sheats, Stone, Swearingen, Taylor, Tedder, Thompson, Tolbert, Tompkins, Wadsworth, Walker, Jr., Walter, Weeks, Wellman, Westcott, Wilson of Clay, Wilson of Polk and Manatee, Wylly, Yonge and Zipperer—87.

A quorum present.

Mr. Blount, of Escambia, was indefinitely excused.

Mr. Humphries offered the following resolution :

*Resolved*, That after the Constitution proposed and passed by this Convention has been duly signed by the President and members, and attested by the Secretary, the original shall be deposited in the office of the Secretary of State, and shall be the Constitution to be submitted to the people for ratification, with leave to members not present at its adoption to sign afterward if they so desire.

Mr. Humphries moved that the rules be waived and the resolution be immediately considered ;

Which was agreed to, and the rules were waived.

The rules being waived, the resolution was read a first, second and third time, and declared adopted.

Mr Walker, Jr., moved to waive the rules and take up his motion to reconsider the vote by which the additional section offered by Mr. Conover, relative to pensioning disabled soldiers and sailors, was laid upon the table.

The question was upon the suspension of the rules.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of

Hamilton, Carr, Carson, Chandler, Conover, Earle, Gibbs, Goodbread, Goss, Green, Hargret, Hausman, Hocker, Hope, Hunter, Lesley, Lewis, Maxwell, Miller, McKinnon, Paterson, Rogers, Rowe, Sheats, Swearingen, Wadsworth, Walker, Jr., Wylly and Zipperer—31.

Nays—Messrs. Carter, Clark of Jackson, Cook, Davis, Edge, Fowler, Genovar, Gillis, Hatch, Henderson, Herndon, Humphries, Ives, Lutterloh, Milton, Morgan, McCaskill, McClellan, Oliveros, Orman, Pelot, Randall of Duval, Randell of Madison, Randolph, Stone, Wellman and Wilson of Clay—27.

So the Convention refused to suspend the rules.

Mr. Conover offered the following resolution :

*Resolved*, That the Constitutional Convention of the people of Florida having completed the work for which it was assembled, do adjourn on Monday, August the 3d, inst., subject to the call of the President, or any thirty (30) members in the absence of the President from the State; *Provided*, That if no call be made before the first day of April, 1886, the Convention shall stand adjourned *sine die* ;

Which was read and ordered spread upon the Journal, for consideration on Monday.

The following resolution was offered by Mr. Petty :

The assistant Sergeant-at-Arms, having been absent most of the session, shall be paid only for one month's services.

Mr. McClellan moved to lay the motion on the table ;

Which was agreed to.

Messrs Wilson of Clay, Bethel, Fogarty, Challen and Speer, were indefinitely excused.

Mr. Taylor, Chairman of the Committee on Style and Arrangement, made the following report :

CONVENTION HALL,  
TALLAHASSEE, FLA., August 1, 1885. }

HON. SAMUEL PASCO,

*President of the Convention :*

SIR: Your Committee on the Style and Arrangement of the Constitution beg leave to report that they have performed the duty assigned to them. That your Committee, by order of the Convention, have had the different sections and Articles of the Constitution reprinted as the same has been arranged and corrected by this committee, two hundred copies of which have been ordered by the Convention to be printed and furnished to each member of the Convention, and from which it



can be seen what alterations, corrections and arrangement of the same have been made by this committee.

Your committee further report that in the arrangement of the different sections they have re-numbered section twenty-three (23) of the Declaration of Rights as acted on by the Convention, making it "section four (4)" of the Declaration of Rights. We have also re-numbered section twenty-two (22) of the Declaration of Rights, making it "section six (6)" of said Article.

Section twenty-four (24) of the Article on Miscellaneous Provisions, as acted upon by the Convention, your committee have transferred to the Article on Schedule, said section containing matter that belongs more appropriately to the latter Article.

Section fifteen (15) of the Article on Education, as acted upon by the Convention, has also been transferred by this committee to the Article on Miscellaneous Provisions, as section 27 thereof, that being the most appropriate head under which it should come.

The two sections, Nos. 1 and 2, composing the Article entitled Private Corporations, your committee have also transferred to the Article entitled "Miscellaneous Provisions," numbering the same as sections 30 and 31 of the last mentioned Article.

From section nineteen (19) of the Article entitled Legislative Department, as acted upon by the Convention, your committee have erased the following words, viz: "No money shall be drawn from the Treasury except by appropriations made by law"—for the reason that the same clause is contained, where it more properly belongs, in section four (4) of the Article entitled "Taxation and Finance," as acted upon by the Convention.

Section five (5) of the Article entitled "Taxation and Finance," as acted upon by the Convention, your committee have stricken out entirely because it is a duplicate of the provision contained in section 19 of the Article entitled "Legislative Department," as acted upon by the Convention.

From section three (3) of the Article entitled "Militia," your committee have stricken out the words "the Adjutant-General shall have the grade of Major General," because the same provision is duplicated in section 16 of the Article entitled "Executive Department," as acted upon by the Convention.

Section three (3) of the provision entitled "Ordinance" your committee have placed in a separate Ordinance to itself and entitled the same "Ordinance No. 2."

Your committee would further report that in the punctua-

tion and transposition of sentences they have carefully avoided any change of the meaning or spirit of any enactment, except in the one instance heretofore reported by this committee to the Convention, and which has been adopted by the Convention. And that in the adoption by the committee of new words or phrases they have been careful to choose words and phrases synonymous with those stricken out or discarded so as to retain entirely the meaning and spirit of each enactment.

Your committee would farther report that they have arranged the various Articles of the Constitution in the following order, viz :

## PREAMBLE.

### DECLARATION OF RIGHTS.

## ARTICLE I.

### BOUNDARIES.

## ARTICLE II.

### DISTRIBUTION OF POWERS.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

## ARTICLE V.

### JUDICIAL DEPARTMENT.

## ARTICLE VI.

### SUFFRAGE AND ELIGIBILITY.

## ARTICLE VII.

### CENSUS AND APPORTIONMENT.

## ARTICLE VIII.

### COUNTIES AND CITIES.

## ARTICLE IX.

### TAXATION AND FINANCE.

## ARTICLE X.

### HOMESTEAD AND EXEMPTIONS.

ARTICLE XI.

MARRIED WOMEN'S PROPERTY.

ARTICLE XII.

EDUCATION.

ARTICLE XIII.

PUBLIC INSTITUTIONS.

ARTICLE XIV.

MILITIA.

ARTICLE XV.

PUBLIC HEALTH.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

ARTICLE XVII.

AMENDMENTS.

ARTICLE XVIII.

SCHEDULE.

ARTICLE XIX.

LOCAL OPTION.

ORDINANCES.

NO. 1.

NO. 2.

NO. 3.

Respectfully submitted,

R. F. TAYLOR,

Chairman of the Committee.

Which was received.

Mr. Taylor moved that the report be considered by the reading of the Articles in order as reported by the committee ;

Which was agreed to.

The Preamble and Declaration of Rights was read and declared to be correct.

Article I, on Boundaries, was read and declared to be correct.

Article II, on Distribution of Powers, was read and declared to be correct.

Article III, on Legislative Department, was read and corrected as follows: the word "providing" was stricken out in line 7, and also in line 9, of section 20.

Article IV, on Executive Department, was read and corrected as follows:

In line 9, of section 11, insert comma after the word "remitted," and strike out the letter "d" in the word "reprieved" in same line.

Article V, on Judiciary Department, was read and corrected as follows:

In line 2, section 1, insert after the words "County Courts" a comma, and the words "County Judges."

In line 1, section 15, strike out the words "advice and."

Upon motion, the Convention took a recess until 8 o'clock to-night.

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## EIGHT O'CLOCK P. M.

The Convention resumed its session.

President Pasco in the chair.

A quorum being present the calling of the roll was dispensed with.

Mr. Maxwell moved that section 26 of Article on Miscellaneous Provisions be transferred to Article IV on Executive Department and made section 29 of Article IV;

Which was unanimously agreed to, and it was so transferred.

Article VII, on Census and Apportionment, was read and declared correct.

Article VIII, on Counties and Cities, was read and corrected as follows:

Section 9 was transferred to Article XII, on Education, and made section 15 of said Article.

Article IX, on Taxation and Finance, was read and declared to be correct.

Article X, on Homestead and Exemptions, was read and declared correct.

Article XI, on Married Women's Property, was read and declared correct.

Article XII, on Education, was read and corrected as follows :

Strike out figures " 3 " and " 5 " in line 2, section 8.

Strike out figure " 3 " in line 7, section 10.

Article XIII, on Public Institutions, was read and declared correct.

Article XIV, on Militia, was read and declared to be correct.

Article XV, on Public Health, was read and declared to be correct.

Mr. Bennett was excused from further attendance.

Mr. Sheats was excused from further attendance.

Messrs. Miller, Petty, Goss and Richard were excused from further attendance.

Mr. Carter, of Levy, on behalf of the Convention presented President Pasco with a handsome gold watch. Mr. Carter said :

MR. PRESIDENT : Custom as well as propriety has made it usual at the close of the labors of a deliberative body for the members to present to their presiding officers some testimonial of their appreciation of his labors and regard for his character. Usually this takes the form of a simple resolution, but in this instance many of us desired that you might have some small memento, that in the future, when you had occasion to consult it, would serve to remind you of the friendships that have been cemented by the associations of the past two months.

Friendship is a precious boon of heaven ; it plants roses and flowers all along the journey of life ; but for its sustaining power life would be a bloomless, cheerless desert in which man would prey upon his fellowman, and make the world a perpetual chaos of hateful and contending passions. Friendships, however limited, are found in every community and circle of life. No one ever felt a devoted attachment to another without experiencing a softening and refining influence upon his entire nature. It touches the chords of sympathy and attunes them to that moral and intellectual dependence which binds man to man and the creature to the Creator. It is the exact opposite of that social antagonism which leads first to mutual indifference and afterwards to hate and misanthropy. It expels the moral poison of the soul and gives it health and colors it with the rainbow tints of hope and love. It harmonizes the soul and and thus prepares one to embrace the heaven inspired doctrine of " Peace on earth, good will to man." It is believed that many such friendships have been formed among the mem-



bers and yourself since our first meeting here in the capacity of a Convention.

The uniform courtesy of your manners towards the members of both political parties represented in this body, together with the impartiality and justice of your rulings, has given your friends ample evidence, (if any had been needed,) that, if in the near future the State should require your services in a still higher sphere, you possess the necessary executive qualifications in a marked degree to discharge the duties of that exalted position with credit to yourself and honor to the commonwealth.

But should the residue of your life be spent in peaceful retirement away from the turmoil of party politics, free from the animosities engendered by political strife. In the blest companionship of the family circle and in communion with the great minds of the shadowy past through the medium of your library, you will have the consolation of knowing that you have discharged the high and responsible duties to which you were unanimously called with the strictest impartiality to the members of this body and the highest fidelity to the interests of the whole State, and that you carry with you the warmest wishes of the members of this Convention for your future happiness and prosperity.

As a representative of that portion of our State lying east and south of the Suwannee river, I now have the pleasure of presenting you with this watch and chain as a slight testimonial of our love and esteem. Its monetary value is not very great— but we believe that the spirit that inspired it will make it of incalculable value in your estimation.

I now send the offering up to your desk and ask that you suspend your reply until a representative from the western portion of the State, and any other gentlemen that may desire, can be heard.

Mr. Carter was followed by Mr. Yonge, of Escambia, and Conover, of Leon, in appropriate speeches.

The President, in response, said :

*Gentlemen of the Convention :*

I thank you most sincerely for this beautiful testimonial, and shall always prize it most highly. And still more highly shall I prize the expressions of confidence and good will and esteem which accompanied it, so eloquently spoken by the gentleman at whose hands I have just received this token and those who followed him.

This occasion affords me an opportunity of telling you how deeply I feel your kindness towards me. You placed me in

the high and honorable position I hold as an untried man, with no previous experience in a like position to give me confidence. But the liberal treatment I have always received at your hands has supported and strengthened me and made my task lighter and easier than I had dared to hope. This precious token which you have just bestowed upon me will be ever reminding me, as the hours and days and years pass, that I retained your good will and confidence under the weighty responsibilities of my official position. It will constantly remind me of the pleasant hours we have spent here together. And I have sat so many days looking into your countenances under varying circumstances, sometimes in the calm routine of ordinary work, sometimes in the excitement of earnest thought and sharp debate, until each feature and lineament has been daguerreo-typed upon my memory. And often hereafter in the quiet of home I shall find myself looking around with the mind's eye from Gadsden on the left to Brevard on the right, and each face and form in the broad and deep semi-circle will reappear. I shall again, in imagination, find myself with you. The scene is too firmly imprinted to be ever effaced. And I shall bear with me through life the kindly feelings that have been here created and the friendships that have been formed and strengthened.

Again, gentlemen, I thank you.

Mr. Walter, in an appropriate speech, presented Hon. J. T. Lesley, of Hillsborough, with a handsome cane on behalf of the minority.

Mr. Lesley accepted with an appropriate speech, returning thanks.

Mr. Yonge, on behalf of the Convention, presented W. H. Reynolds, Secretary of the Convention, with a beautiful gold-headed cane.

Mr. Reynolds accepted and responded in an appropriate address, returning thanks for the present.

Upon motion, the Convention adjourned until 8 o'clock A. M. Monday.

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## FORTY-SIXTH DAY.

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MONDAY, August 3, 1885.

The Convention met pursuant to adjournment.  
President Pasco in the Chair.

It being ascertained that a quorum was present, the calling of the roll was dispensed with.

Prayer by the Chaplain.

On motion of Mr. Blackburn the reading of the Journal was dispensed with.

Messrs. Walker, Jr., Parker and Hocker were excused.

Mr. Turnbull offered the following resolution:

*Resolved*, That Messrs. Dorr & Bowen be requested to turn over the Journals of this Convention when completed to the Secretary of State, and he to send each member of this Convention a copy of same; withdrawn.

Mr. Baker moved to take up the following Ordinance for consideration:

### AN ORDINANCE

TO PROVIDE FOR THE DISTRIBUTION OF THE JOURNALS OF THIS  
CONVENTION AND THE REVISED CONSTITUTION.

*The People of the State of Florida, in Convention Assembled, do ordain as follows:*

The printer of this Convention shall, without delay, print and have stitched in pamphlet form ——— thousand copies of the Journals of this Convention and ——— thousand copies of the Revised Constitution, and immediately deliver the same, together with a statement of the estimated cost thereof, to the Secretary of State, who shall, as soon as possible after their publication, distribute copies as follows: To each of the officers to whom he is at present required to distribute copies of the acts of the Legislature, two copies; to each member of this Convention, two copies; to each Clerk of the Circuit Court for general distribution, twelve copies. The Secretary of State shall distribute copies of the Journals and Constitution in the same manner that he is required to distribute acts of the Legislature.

The next Legislature, after the passage hereof, shall provide compensation for the printing and distribution of the documents herein required to be printed and distributed;

Which was read.

Mr. Baker offered the following substitute:

*Resolved*, That the Printer of this Convention be ordered to print one thousand copies of the Revised Constitution in pamphlet form, together with the Journals already ordered printed, to be sent to the Secretary of State for distribution.

Two copies of the Journals and Constitution to be sent to members of the Convention, and other officers of the State to whom he is required to send Journals of the Legislature.

The question was upon the adoption of the substitute.

Mr. McClellan moved to lay the substitute on the table ;

Which was agreed to.

Mr. Orman offered the following resolution :

*Resolved*, That the thanks of this Convention are hereby tendered to W. H. Reynolds, Secretary ; D. M. McAlpin, Assistant Secretary ; G. A. K. Stevens, Reading Clerk ; J. C. Clark, Recording Clerk ; J. J. Thompson, Sergeant-at-Arms, and W. H. Hinsey, Doorkeeper, for their efficiency and promptness in performing the duties and labors assigned to them during our session ;

Which was unanimously adopted.

Mr. McClellan moved to reconsider the vote by which the substitute offered by Mr. Baker, relative to the distribution of the Journals of this Convention, was laid on the table ;

Which was agreed to, and the vote was reconsidered.

Mr. McClellan moved the adoption of the resolution ;

Which was agreed to.

The Convention resumed the consideration of the report of the Committee on Style and Arrangement.

Article VI, on Suffrage and Eligibility, was read and declared to be correct.

The consideration of Article XVI on Miscellaneous Provisions was resumed and corrected by transferring section 26 to Article IV, and section 27 was numbered 26 and the remaining sections numbered to correspond.

Article XVII on Amendments was read and declared correct.

Article XVIII on Schedule was read and declared to be correct.

Article XIX was read and corrected by inserting the words "local option" as the title.

Ordinance No. 1 was read and declared to be correct.

Ordinance No. 2 was read and corrected as follows :

In line 3 strike out the word "Ordinance" and insert the word "Article" in lieu thereof.

Ordinance No. 3 was read and corrected as follows :

In line 3, section 4, strike out the word "themselves" and insert in lieu thereof the word "himself," and in same line strike out the word "their" and insert "his" instead.

Mr. Lewis called up the following resolution offered by Mr. Conover :

*Resolved*, That the Constitutional Convention of the people



of Florida, having completed the work for which it was assembled, do adjourn on Monday, August the 3d inst., subject to the call of the President, or any thirty (30) members in the absence of the President from the State ; *Provided*, That if no call be made before the first day of April, 1886, the Convention shall stand adjourned *sine die* ;

Which was read.

Mr. Yonge moved to amend as follows :

Strike out the words "thirty (30)," and insert the words "fifty-five (55)" in lieu thereof ;

Which was accepted.

The question was upon the adoption of the resolution as amended.

Mr. Malone moved a call of the House.

The roll was called, and the following members answered to their names :

Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Broome, Bush, Carson, Chandler, Clarke of Jefferson, Clark of Jackson, Conover, Davidson, Davis, Duncan, Earle, Edge, Fowler, Gibbs, Gillis, Goodbread, Goss, Green, Henderson, Herndon, Hicks, Humphries, Hunter, Ives, Jones, Landrum, Lewis, Love, Lutterloh, Malone, Mann, Maxwell, Milton, Morgan, McCaskill, McClellan, Neel, Odom, Orman, Parker, Paterson, Pelot, Petty, Randell of Madison, Rogers, Sanchez, Sheats, Swearingen, Taylor, Tedder, Turnbull, Wadsworth, Weeks, Wellman, Wilson of Polk and Manatee, Wyly, Yonge and Zipperer—62.

A quorum present.

The question was again upon the adoption of the resolution offered by Mr. Conover and amended by Mr. Yonge.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bell of Brevard and Dade, Bell of Hamilton, Blackburn, Broome, Chandler, Conover, Davidson, Duncan, Fowler, Gibbs, Hunter, Lewis, Lutterloh, Paterson, Randell of Madison, Rogers, Tedder, Wellman and Wyly—20.

Nays—Messrs. Bush, Carson, Clarke of Jefferson, Clark of Jackson, Davis, Earle, Edge, Genovar, Gillis, Goss, Hendley, Henderson, Herndon, Hicks, Humphries, Ives, Jones, Landrum, Love, Malone, Mann, Maxwell, Milton, Morgan, McCaskill, McClellan, Odom, Orman, Parsons, Pelot, Sheats, Swearingen, Taylor, Turnbull, Weeks, Westcott, Wilson of Polk and Manatee, Yonge and Zipperer—39.

So the resolution was not adopted.



Mr. Mann moved to expunge from the Journal so much of the proceedings as relates to a vote of censure against Mr. Baker, on the 26th and 27th days of the session ;

Which was agreed to, and it was so ordered.

The Journal of yesterday was corrected so as to show that Mr. Mann moved as follows :

“ That section 8 of the Minority Report be first considered,” instead of “ moved that the Legislature may have the power to make the payment of a poll-tax a prerequisite to voting, and all such taxes received shall go into the school fund,” as is shown by the Journal.

Also, as to show that Article VI on Suffrage and Eligibility passed its second reading in order.

The Journal was then approved as corrected.

Upon motion, the Convention took a recess until 11 o'clock.

## ELEVEN O'CLOCK.

The Convention resumed its session.

Mr. Rogers offered the following motion :

That the Secretary of this Convention furnish a correct list of the names and post-office address of each member of this Convention to the Secretary of State, that he may be able to correctly distribute the Journals of this Convention ;

Which was agreed to.

Mr. Duncan, of the Committee on Engrossment and Enrollment, made the following final report :

CONVENTION HALL, TALLAHASSEE, FLA., August 3, 1885.

HON. SAMUEL PASCO,

*President of the Convention :*

SIR : Your Committee on Engrossment and Enrollment, to whom was referred the various Articles and Ordinances passed in Convention, to-wit :

### PREAMBLE.

#### DECLARATION OF RIGHTS.

### ARTICLE I.

#### BOUNDARIES.

### ARTICLE II.

#### DISTRIBUTION OF POWERS.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

ARTICLE V.

JUDICIAL DEPARTMENT.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY.

ARTICLE VII.

CENSUS AND APPORTIONMENT.

ARTICLE VIII.

COUNTIES AND CITIES.

ARTICLE IX.

TAXATION AND FINANCE.

ARTICLE X

HOMESTEAD AND EXEMPTIONS.

ARTICLE XI.

MARRIED WOMEN'S PROPERTY.

ARTICLE XII.

EDUCATION.

ARTICLE XIII.

PUBLIC INSTITUTIONS.

ARTICLE XIV.

MILITIA.

ARTICLE XV.

PUBLIC HEALTH.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

ARTICLE XVII.

AMENDMENTS.

ARTICLE XVIII.

SCHEDULE.

## ARTICLE XIX.

## LOCAL OPTION.

## ORDINANCES.

NO. 1.

NO. 2.

NO. 3.

Have examined the same and find each and every one correctly enrolled from the engrossed Articles and Ordinances as corrected by the approved report of the Committee on Style and Arrangement.

Very respectfully,

H. H. DUNCAN,  
Acting Chairman of Committee.  
THEODORE RANDELL,  
of Committee.

Which was received and unanimously adopted.

Mr. Rogers offered the following resolution:

*Resolved*, That the thanks of this Convention are eminently due and are hereby tendered to Hon. Samuel Pasco, President of this Convention, to Hons. J. E. Yonge and John T. Lesley, Vice-Presidents, for the very able, efficient and impartial services rendered during the session of this Constitutional Convention;

Which was read and unanimously adopted.

The President declared that he and Vice-President Yonge had just signed the Constitution, and left a blank space for the signature of Vice-President Lesley.

Secretary Reynolds also signed the Constitution in open Convention.

At 12 o'clock M., Mr. Mann moved that the Convention do now adjourn *sine die*.

President Pasco arose and made the following announcement:

The hour of our final adjournment draws near. We shall soon leave this hall, and our paths in life will again diverge. The great work which called us here is completed; whether its lines and sections have been wrought with wisdom and skill or the reverse, the Constitution of 1885 is finished. It goes out from this Capitol to the people who sent us here, and in due time they will pass their judgment upon it. If it receives the stamp of their approval it will become the organic law of this State; without that approval it will be a monument of lost time and wasted effort.

I well know how earnestly and faithfully you have labored

in the discharge of your duties here, how industriously and conscientiously you have endeavored to frame an instrument adapted as nearly as possible to the diversified wants of the different sections of our State, and I feel that we can go before our constituents with the results of our labors fearlessly and with the full confidence that our completed work will stand the scrutiny of public opinion.

I believe that the people of Florida will accept this Constitution, and I trust that under it our beloved State will continue to flourish and prosper and grow great, and that she will open her gates wide to admit within her borders an intelligent and industrious class of citizens to make happy homes among us.

But I must not longer delay the formal announcement that terminates our official existence, except to wish you all a safe journey back to your homes, and may the dear ones be there in health and strength to greet you on your return.

The Convention was then adjourned *sine die*.

# CONSTITUTION

ADOPTED BY THE

## CONVENTION OF 1885.

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### PREAMBLE.

We, the people of the State of Florida, grateful to Almighty God for our constitutional liberty, in order to secure its blessings and to form a more perfect government, insuring domestic tranquility, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this Constitution.

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### DECLARATION OF RIGHTS.

SECTION 1. All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and obtaining safety.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the citizens, and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal Government, and the people of this State have no power to dissolve its connection therewith.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever.

SEC. 4. All courts in this State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

SEC. 5. The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account



of his religious opinions ; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the State or society.

SEC. 6. No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

SEC. 7. The writ of *habeas corpus* shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless, in case of rebellion or invasion, the public safety may require its suspension.

SEC. 8. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

SEC. 10. No person shall be tried for a capital crime or other felony, unless on pre-entment or indictment by a grand jury, except as is otherwise provided in this Constitution, and except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the State, with the consent of Congress, may keep, in time of peace.

SEC. 11. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime was committed, and shall be heard by himself, or counsel, or both, to demand the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have compulsory process for the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.

SEC. 12. No person shall be subject to be twice put in jeopardy for the same offence, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law ; nor shall private property be taken without just compensation.

SEC. 13. Every person may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libel the truth may be given in evidence to the jury, and if it shall appear that the matter charged as libellous

is true, and was published for good motives, the party shall be acquitted or exonerated.

SEC. 14. No person shall be compelled to pay costs except after conviction, on a final trial.

SEC. 15. The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 16. No person shall be imprisoned for debt except in cases of fraud.

SEC. 17. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed.

SEC. 18. Foreigners shall have the same rights as to the ownership, inheritance and disposition of property in this State as citizens of the State.

SEC. 19. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party has been duly convicted, shall ever be allowed in this State.

SEC. 20. The right of the people to bear arms in defence of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

SEC. 21. The military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 22. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated, and no warrants issued but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

SEC. 23. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood or forfeiture of estate.

SEC. 24. This enunciation of rights shall not be construed to impair or deny others retained by the people.

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## ARTICLE I.

### BOUNDARIES.

The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first de-

gree of north latitude; thence due east to the Chattahoochee river; thence down the middle of said river to its confluence with the Flint river; thence straight to the head of the St. Marys river; thence down the middle of said river to the Atlantic ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land, to a point west of the mouth of the Perdido river; thence to the place of beginning.

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## ARTICLE II.

### DISTRIBUTION OF POWERS.

The powers of the government of the State of Florida shall be divided into three departments—Legislative, Executive and Judicial; and no person properly belonging to one of the departments shall exercise any powers appertaining to either of the others, except in cases expressly provided for by this Constitution.

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## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of this State shall be vested in a Senate and a House of Representatives, which shall be designated, "The Legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

SEC. 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but no special session convened by the Governor shall exceed twenty days.

SEC. 3. The members of the House of Representatives shall be chosen biennially, those of the first Legislature on the first Tuesday after the first Monday in November, A. D. 1886, and thereafter on the corresponding day of every second year.

SEC. 4. Senators and members of the House of Representatives shall be duly qualified electors in the respective counties and districts for which they were chosen. The pay of mem-

bers of the Senate and House of Representatives shall not exceed six dollars a day for each day of session, and mileage to and from their homes to the seat of government, not to exceed ten cents a mile each way, by the nearest and most practicable route.

SEC. 5. No Senator or member of the House of Representatives shall, during the time for which he was elected, be appointed or elected to any civil office under the Constitution of this State, that has been created, or the emoluments whereof shall have been increased during such time.

SEC. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session thereof, choose from among its own members a permanent President of the Senate, who shall be its presiding officer. The House of Representatives shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct; and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

SEC. 7. No person holding a lucrative office or appointment under the United States or this State, shall be eligible to a seat in the Legislature of this State.

SEC. 8. The seat of a member of either House shall be vacated on his permanent change of residence from the district or county from which he was elected.

SEC. 9. Either House during the session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, or of a refusal to obey its lawful summons, but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 10. Either House shall have power to compel the attendance of witnesses upon any investigations held by itself, or by any of its committees; the manner of the exercise of such power shall be provided by law.

SEC. 11. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the presence of absent members in such manner and under such penalties as it may prescribe.

SEC. 12. Each House shall keep a Journal of its own proceedings, which shall be published, and the yeas and nays of the members of either House on any question shall, at the desire of any five members present, be entered on the Journal.

SEC. 13. The doors of each House shall be kept open dur-



ing its session, except the Senate while sitting in Executive session; and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

SEC. 14. Any bill may originate in either House of the Legislature, and after being passed in one House may be amended in the other.

SEC. 15. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Florida."

SEC. 16. Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section, as amended, shall be re-enacted and published at length.

SEC. 17. Every bill shall be read by sections on three several days in each House, unless, in case of emergency, two-thirds of the House where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the Journal of each House; *Provided*, That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote; and a majority of the members present in each House shall be necessary to pass every bill or joint resolution; and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective Houses, and by the Secretary of the Senate and the Clerk of the House of Representatives.

SEC. 18. No law shall take effect until sixty days from the final adjournment of the session of the Legislature at which it may have been enacted, unless otherwise specially provided in such law.

SEC. 19. Accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

SEC. 20. The Legislature shall not pass special or local laws in any of the following enumerated cases: that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers, or for the punishment of crime or misdemeanor; regulating the practice of courts of justice, except municipal courts; providing for changing venue of civil and



criminal cases; granting divorces; changing the names of persons; vacating roads; summoning and empanneling grand and petit juries, and providing for their compensation; for assessment and collection of taxes for State and county purposes; for opening and conducting elections for State and county officers, and for designating the places of voting; for the sale of real estate belonging to minors, estates of decedents, and of persons laboring under legal disabilities; regulating the fees of officers of the State and county; giving effect to informal or invalid deeds or wills; legitimizing children; providing for the adoption of children; relieving minors from legal disabilities; and for the establishment of ferries.

SEC. 21. In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in that section, the Legislature may pass special or local laws; *Provided*, That no local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least sixty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence that such notice has been published shall be established in the Legislature before such bill shall be passed.

SEC. 22. Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

SEC. 23. Lotteries are hereby prohibited in this State.

SEC. 24. The Legislature shall establish a uniform system of county and municipal government, which shall be applicable, except in cases where local or special laws are provided by the Legislature that may be inconsistent therewith.

SEC. 25. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining and other useful companies or associations as may be deemed necessary.

SEC. 26. Laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SEC. 27. The Legislature shall provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

SEC. 28. Every bill that may have passed the Legislature shall, before becoming a law, be presented to the Governor;

if he approves it he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall cause such objections to be entered upon its Journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both Houses by a two-thirds vote of members present, which vote shall be entered on the Journal of each House, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sunday excepted) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment prevent such action, such bill shall be a law, unless the Governor, within ten days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

SEC. 29. The House of Representatives shall have the sole power of impeachment; but a vote of two-thirds of all members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. The Senate may adjourn to a fixed day for the trial of any impeachment, and may sit for the purpose of such trial whether the House of Representatives be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the House of Representatives. The Chief Justice shall preside at all trials by impeachment except in the trial of the Chief Justice, when the Governor shall preside. The Governor, Administrative officers of the Executive Department, Justices of the Supreme Court, and Judges of the Circuit Court shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

SEC. 30. Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

SEC. 31. The Legislature shall elect United States Senators in the manner prescribed by the Congress of the United States and by this Constitution.

SEC. 32. The repeal or amendment of any Criminal Statute

shall not affect the prosecution or punishment of any crime committed before such repeal or amendment.

SEC. 33. No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage.

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## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

SECTION 1. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of Florida.

SEC. 2. The Governor shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold his office for four years from the time of his installation, but shall not be eligible for re-election to said office the next succeeding term; *Provided*, That the first election for Governor under this Constitution shall be had at the time and places of voting for members of the Legislature and State officers, A. D. 1888, and the term of office of the Governor then elected shall begin on the first Tuesday after the first Monday in January after his election.

SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been ten years a citizen of the United States, and five years a citizen and resident of the State of Florida, next preceding the time of his election; *Provided*, That these limitations of time shall not apply to the President of the Senate or Speaker of the House of Representatives when, under this Constitution, the powers and duties of Governor shall devolve upon them.

SEC. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they shall be called into the service of the United States.

SEC. 5. The Governor shall transact all Executive business with the officers of the Government, civil and military, and may require information in writing from the administrative officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 6. The Governor shall take care that the laws be faithfully executed.

SEC. 7. When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor

shall have the power to fill such vacancy by granting a commission for the unexpired term.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall in his proclamation state the purpose for which it is to be convened, and the Legislature when organized shall transact no legislative business other than that for which it is especially convened, or such other legislative business as the Governor may call to its attention while in session, except by a two-thirds vote of each House.

SEC. 9. The Governor shall communicate by message to the Legislature at each regular session information concerning the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 11. The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, for all offences, except in cases of impeachment. In cases of conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the Legislature shall fail or refuse to make disposition of such case, the sentence shall be enforced at such time and place as the Governor may direct. He shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve.

SEC. 12. The Governor, Justices of the Supreme Court, and Attorney-General, or a major part of them, of whom the Governor shall be one, may, upon such conditions, and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment and grant pardons after conviction, in all cases except treason and impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons.

SEC. 13. The Governor may, at any time, require the opinion of the Justices of the Supreme Court as to the interpretation of any portion of this Constitution upon any question affecting



his Executive powers and duties, and the Justices shall render such opinion in writing.

SEC. 14. All grants and commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. All officers that shall have been appointed or elected, and that are not liable to impeachment, may be suspended from office by the Governor for malfeasance, or misfeasance, or neglect of duty in office, for the commission of any felony, or for drunkenness or incompetency, and the cause of suspension shall be communicated to the officer suspended and to the Senate at its next session. And the Governor, by and with the consent of the Senate, may remove any officer, not liable to impeachment, for any cause above named. Every suspension shall continue until the adjournment of the next session of the Senate, unless the officer suspended shall, upon the recommendation of the Governor, be removed; but the Governor may reinstate the officer so suspended upon satisfactory evidence that the charge or charges against him are untrue. If the Senate shall refuse to remove, or fail to take action before its adjournment, the officer suspended shall resume the duties of the office. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended. No officer suspended who shall under this section resume the duties of his office, shall suffer any loss of salary or other compensation in consequence of such suspension. The suspension or removal herein authorized shall not relieve the officer from indictment for any misdemeanor in office.

SEC. 16. The Governor shall appoint all commissioned officers of the State Militia, including an Adjutant-General for the State. The Adjutant-General shall be the chief officer of the Governor's staff, with the rank of Major-General. His duties and compensation shall be prescribed by law; *Provided*, That this Constitution shall work no vacancy in the office of Adjutant-General, as now constituted, until the expiration of the present term.

SEC. 17. The Governor and the administrative officers of the Executive Department shall constitute a Board of Commissioners of State Institutions, which Board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

SEC. 18. The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disap-



proved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

SEC. 19. In case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the powers and duties of Governor shall devolve upon the President of the Senate for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the President of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives. But should there be a general election for members of the Legislature during such vacancy, an election for Governor to fill the same shall be had at the same time.

SEC. 20. The Governor shall be assisted by administrative officers as follows: A Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction, and Commissioner of Agriculture, who shall be elected at the same time as the Governor, and shall hold their offices for the same term; *Provided*, That the first election of such officers shall be had at the time of voting for Governor A. D. 1888.

SEC. 21. The Secretary of State shall keep the records of official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature; and shall be the custodian of the Great Seal of the State. He shall also have charge of the Capitol building and grounds, and perform such other duties as shall be prescribed by law.

SEC. 22. The Attorney-General shall be the legal adviser of the Governor, and of each of the officers of the Executive Department, and shall perform such other legal duties as may be prescribed by law. He shall be Reporter for the Supreme Court.

SEC. 23. The Comptroller shall examine, audit, adjust and settle the accounts of all officers of the State and perform such other duties as may be prescribed by law.

SEC. 24. The Treasurer shall receive and keep all funds, bonds, and other securities, in such manner as may be prescribed by law, and shall disburse no funds, nor issue bonds, or other securities, except upon the order of the Comptroller countersigned by the Governor, in such manner as shall be prescribed by law.

SEC. 25. The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction; the supervision of State buildings devoted to educational purposes,

and perform such other duties as the Legislature may provide by law.

SEC. 26. The Commissioner of Agriculture shall perform such duties in relation to agriculture as may be prescribed by law; shall have supervision of all matters pertaining to the public lands under regulations prescribed by law, and shall keep the Bureau of Immigration. He shall also have supervision of the State Prison, and shall perform such other duties as may be prescribed by law.

SEC. 27. Each officer of this Department shall make a full report of his official acts, of the receipts and expenditures of his office, and of the requirements of the same, to the Governor at the beginning of each regular session of the Legislature, or whenever the Governor shall require it. Such reports shall be laid before the Legislature by the Governor at the beginning of each regular session thereof. Either House of the Legislature may at any time call upon any officer of this department for information required by it.

SEC. 28. The administrative officers of the Executive Department shall be installed on the same day as the Governor.

SEC. 29. The salary of the Governor of the State shall be thirty-five hundred dollars a year, of the Comptroller two thousand dollars, of the State Treasurer two thousand dollars, of the Secretary of State fifteen hundred dollars, of the Attorney-General fifteen hundred dollars, of the Commissioner of Agriculture fifteen hundred dollars, of the Superintendent of Public Instruction fifteen hundred dollars, a year; *Provided*, That no administrative officer of the Executive Department shall receive any additional compensation beyond his salary for any service or services rendered the State in connection with the Internal Improvement fund or other interests belonging to the State of Florida; *Provided, further*, That the Legislature may after eight years from the adoption of this Constitution increase or decrease any or all of said salaries.

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## ARTICLE V.

### JUDICIARY DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, Circuit Courts, Criminal Courts, County Courts, County Judges and Justices of the Peace.

SEC. 2. The Supreme Court shall consist of three Justices, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature,

and shall hold their office for the term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years, another to be designated in like manner for four years, and the third for six years, so that one shall be elected every two years after the first election. The Chief Justice shall be designated by lot by said Justices, and shall be such during his term of office. The first election for said Justices shall take place at the first election for members of the Legislature after the ratification of this Constitution, and their term of office shall begin on the first Tuesday after the first Monday in January after their election.

SEC. 3. No person shall ever be appointed or elected as a Justice of the Supreme Court, or Judge of a Circuit Court, or Criminal Court, that is not twenty-five years of age and an attorney at law.

SEC. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. The concurrence of two Justices shall be necessary to a decision. The number of terms of the Supreme Court and the times of holding the same shall be regulated by law. All terms shall be held at the Capital of the State.

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases at law and in equity originating in Circuit Courts, and of appeals from the Circuit Courts in cases arising before Judges of the County Courts in matters pertaining to their probate jurisdiction and in the management of the estates of infants, and in cases of conviction of felony in the criminal courts, and in all criminal cases originating in the Circuit Courts. The Court shall have the power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or any Justice thereof, or before any Circuit Judge.

SEC. 6. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a Judge of the Circuit Court, to hear and determine any matters pending before the Court in the place of any Justice thereof that shall be disqualified or disabled in such case from interest or other cause.

SEC. 7. The Supreme Court shall appoint a Clerk who shall have his office at the Capital and shall be Librarian of the Supreme Court Library.

SEC. 8. There shall be seven Circuit Judges, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold their office for six years. The State shall be divided into seven Judicial Circuits, and one Judge shall be assigned to each Circuit. Such Judge shall hold at least two terms of his court in each county within his Circuit every year, at such times and places as shall be prescribed by law, and may hold special terms. The Governor may, in his discretion, order a temporary exchange of Circuits by the respective Judges, or order any Judge to hold one or more terms or parts of terms in any other Circuit than that to which he is assigned. The Judges shall reside in the Circuit of which he is Judge. Successors to the Judges of the Circuit Courts in office at the ratification of this Constitution shall be appointed and confirmed at the first session of the Legislature after such ratification.

SEC. 9. The salary of the Justices of the Supreme Court shall be three thousand dollars a year. The salary of each Circuit Judge shall be two thousand five hundred dollars a year.

SEC. 10. Until otherwise defined by the Legislature the several Judicial Circuits of the State shall be as follows:

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington and Jackson.

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

SEC. 11. The Circuit Courts shall have exclusive original jurisdiction in all cases in equity, also in all cases at law, not cognizable by inferior courts, and in all cases involving the legality of any tax, assessment, or toll; of the action of ejectment and of all actions involving the titles or boundaries of real estate, and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the Legislature may provide. They



shall have final appellate jurisdiction in all civil and criminal cases arising in the County Court, or before the County Judge, of all misdemeanors tried in Criminal Courts, of judgments or sentences of any Mayor's Court, and of all cases arising before Justices of the Peace in counties in which there is no County Court; and supervision and appellate jurisdiction of matters arising before County Judges pertaining to their probate jurisdiction, or to the estates and interests of minors, and of such other matters as the Legislature may provide. The Circuit Courts and Judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.

SEC. 12. The Circuit Courts and Circuit Judges may have such extra territorial jurisdiction in chancery cases as may be prescribed by law.

SEC. 13. It shall be the duty of the Judges of the Circuit Courts to report to the Attorney-General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional Legislation as may be deemed necessary. The Attorney-General shall report to the Legislature at each session such legislation as he may deem advisable.

SEC. 14. A Circuit Judge may appoint in each county in his Circuit one or more attorneys at law, to be Court Commissioners, who shall have power in the absence from the county of the Circuit Judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the Circuit Judge. Their orders in such matters may be reviewed by the Circuit Judge, and confirmed, qualified or vacated. They may be removed by the Circuit Judge. The Legislature may confer upon them further powers, not judicial, and shall fix their compensation.

SEC. 15. The Governor, by and with the consent of the Senate, shall appoint a State Attorney in each Judicial Circuit, whose duties shall be prescribed by law, and who shall hold office for four years. There shall be elected in each county a Sheriff, and a Clerk of the Circuit Court, who shall also be Clerk of the County Court, except in counties where there are Criminal Courts, and of the Board of County Commissioners, and Recorder and *ex-officio* Auditor of the County, each of whom shall hold office for four years. Their duties shall be prescribed by law.

SEC. 16. There shall be in each county a County Judge who shall be elected by the qualified electors of said county at the



time and places of voting for other county officers and shall hold his office for four years. His compensation shall be provided for by law.

SEC. 17. The County Judge shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements; and of such criminal cases as the Legislature may prescribe. The County Judge shall have jurisdiction of the settlement of the estates of decedents and minors, to order the sale of real estate of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate and shall issue all licenses required by law to be issued in the county.

SEC. 18. The Legislature may organize in such counties, as it may think proper, County Courts which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the Courts of Justices of the Peace. The trial of such appeals may be *de novo* at the option of appellant. The County Judge shall be the Judge of said Court. There shall be elected by the qualified electors of said county at the time when the said Judge is elected a Prosecuting Attorney for said county, who shall hold office for four years. His duties and compensation shall be prescribed by law. Such Courts may be abolished at the pleasure of the Legislature.

SEC. 19. When any civil case at law in which the Judge is disqualified shall be called for trial in a Circuit or County Court, the parties may agree upon an attorney at law, who shall be Judge *ad litem*, and shall preside over the trial of and make orders in said cause as if he were Judge of the Court. The parties may, however, transfer the cause to another Circuit Court or County Court, as the case may be, or may have the case submitted to a referee.

SEC. 20. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. The referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in

the case in the office of the Clerk; and the cause shall be subject to an appeal in the manner prescribed by law.

SEC. 21. The County Commissioners of each county shall divide it into as many Justice Districts, not less than two, as they may deem necessary. There shall be elected one Justice of the Peace for each of the said districts. He shall hold his office for four years.

SEC. 22. In each county where there is no County Court, as provided for in section eighteen of this Article, the Justices of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed one hundred dollars, and in which the cause of action accrued, or the defendant resides, in his district; and in such criminal cases, except felonies, as may be prescribed by law; and in counties where County Courts are established, as provided for in section eighteen of this Article, every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property does not exceed fifty dollars, and in which the cause of action accrued, or the defendant resides, in his district; and he shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge, for examination, discharge, commitment or bail of the accused. Justices of the Peace shall have power to hold inquests of the dead. Appeals from Justice of the Peace Courts to Circuit Courts in criminal cases shall be tried *de novo* under such regulations as the Legislature may prescribe.

SEC. 23. A Constable shall be elected by the registered voters in each Justice's district, who shall perform such duties, and under such regulations as may be prescribed by law.

SEC. 24. There shall be established in the county of Escambia, and upon application of a majority of the registered voters in such other counties as the Legislature may deem expedient, a Criminal Court of Record, and there shall be one Judge for each of the said courts, who shall be appointed by the Governor and confirmed by the Senate, who shall hold his office for four years, and whose salary shall be one thousand dollars a year, the counties paying the salaries.

SEC. 25. The said courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.

SEC. 26. There shall be six terms of said courts in each year.

SEC. 27. There shall be for each of said courts a prosecuting Attorney, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold his office for four years. His compensation shall be fixed by law.

SEC. 28. All offences triable in said Court shall be prosecuted upon information under oath, to be filed by the prosecuting attorney, but the grand jury of the Circuit Court for the county in which said Criminal Court is held may indict for offences triable in the Criminal Court. Upon the finding of such indictment the Circuit Judge shall commit or bail the accused for trial in the Criminal Court, which trial shall be upon information.

SEC. 29. The County Courts in counties where such Criminal Courts are established shall have no criminal jurisdiction and no prosecuting Attorney.

SEC. 30. The Clerk of said Court shall be elected by the electors of the county in which the Court is held and shall hold office for four years, and his compensation shall be fixed by law. He shall also be Clerk of the County Court. The Sheriff of the County shall be the executive officer of said Court, and his duties and fees shall be fixed by law.

SEC. 31. The State Attorney residing in the county where such Court is held shall be eligible for appointment as County Solicitor for said county.

SEC. 32. Such courts may be abolished by the Legislature.

SEC. 33. When the office of any Judge shall become vacant from any cause, the successor to fill such vacancy shall be appointed or elected only for the unexpired term of the Judge whose death, resignation, retirement, or other cause created such vacancy.

SEC. 34. The Legislature may establish in incorporated towns and cities, courts for the punishment of offences against municipal ordinances.

SEC. 35. No courts other than those herein specified shall be established in this State.

SEC. 36. All judicial officers in this State shall be conservators of the peace.

SEC. 37. The style of all process shall be "The State of Florida," and all prosecutions shall be conducted in the name and by the authority of the State.

SEC. 38. The number of jurors for the trial of causes in any court may be fixed by law but shall not be less than six in any case.

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## ARTICLE VI.

### SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards, that shall, at the time of registration, be a citizen

of the United States, or that shall have declared his intention to become such in conformity to the laws of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, shall in such county be deemed a qualified elector at all elections under this Constitution.

SEC. 2. The Legislature, at its first session after the ratification of this Constitution, shall provide by law for the registration of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

SEC. 3. Every elector shall at the time of his registration take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county for six months, and I am qualified to vote under the Constitution and laws of the State of Florida."

SEC. 4. No person under guardianship, *non compos mentis* or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

SEC. 5. The Legislature shall have power to, and shall, enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make, or become directly or indirectly interested in, any bet or wager, the result of which shall depend upon any election; or that shall hereafter fight a duel or send or accept a challenge to fight, or that shall be a second to either party, or that shall be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 6. In all elections by the Legislature the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

SEC. 7. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this Constitution, if required by any elector, he shall produce to the persons lawfully authorized to conduct and supervise such election a duly sealed and certified copy of his declaration of intention, and if unable to do so by reason that such copy cannot



be obtained at the time of said election, he shall be allowed to make affidavit before a proper officer, setting forth the reason why he is unable to furnish such certificate, and if said affidavit prove satisfactory to the inspectors they shall allow said elector to cast his vote; and any naturalized citizen offering to vote shall, if so required by any elector, produce his certificate of naturalization or a duly certified copy thereof, and in the event that said elector cannot produce the same, he shall be allowed to make affidavit before a proper officer stating in full the reason why it cannot be furnished, and if satisfactory to the inspectors of said election such elector shall be allowed to vote.

SEC. 8. The Legislature shall have power to make the payment of the capitation tax a prerequisite for voting, and all such taxes received shall go into the school fund.

SEC. 9. The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution.

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## ARTICLE VII.

### CENSUS AND APPORTIONMENT.

SECTION 1. The Senators representing the odd numbered districts, as said districts are now designated, whose terms have not expired, and those Senators representing even numbered districts, to be elected A. D. 1886, under the Constitution of 1868, shall be the first Senate under this Constitution; and the members of the Assembly to be elected A. D. 1886 shall be the first House of Representatives under this Constitution, and the Senate and House of Representatives thus constituted shall be the first Legislature under this Constitution, and the terms of office of each of the said Senators and members of the House of Representatives shall expire at the election for Senators and members of the House of Representatives A. D. 1888, and in that year a new Senate and House of Representatives shall be elected.

SEC. 2. The Legislatures that convene in the year 1889 and thereafter, shall consist of not more than thirty-two members of the Senate, and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years, except as hereafter provided, the elections for members of the Senate and House of Representatives to be held at the same time and places. The terms of Senators elected in 1888 from districts designated by even numbers, shall expire at the end of two years from that date, and thereafter all Senators



shall be elected for four years, so that one-half of the whole number shall be elected biennially.

SEC. 3. The Legislature that shall meet A. D. 1887, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two members; and at the same time shall also apportion the representation in the House of Representatives, the whole number of Representatives not to exceed sixty-eight members. The representation in the House of Representatives shall be apportioned among the several counties as nearly as possible according to population; *Provided*, Each county shall have one representative at large in the House of Representatives, and no county shall have more than three Representatives.

SEC. 4. When any Senatorial District is composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county that may be created shall be entitled to one member in the House of Representatives until the next apportionment thereafter; and shall be assigned when created to one of the adjoining Senatorial Districts as shall be determined by the Legislature.

SEC. 5. The Legislature shall provide for an enumeration of all the inhabitants of the State by counties for the year 1895, and every ten years thereafter.

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## ARTICLE VIII.

### COUNTIES AND CITIES.

SECTION 1. The State shall be divided into political divisions to be called counties.

SEC. 2. The several counties as they now exist are hereby recognized as the legal political divisions of the State.

SEC. 3. The Legislature shall have power to establish new counties, and to change county lines. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from any county or counties; and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated

upon the basis of the assessed value of all property subject to taxation within such acquired territory.

SEC. 4. The Legislature shall have no power to remove the County Seat of any county, but shall provide by general law for such removal; *Provided*, That in the formation of new counties the County Seat may be temporarily established by law.

SEC. 5. There shall be appointed by the Governor, by and with the consent of the Senate, in and for each county, five County Commissioners. Their terms of office shall be two years, and their powers, duties and compensation shall be prescribed by law. The Legislature shall provide for the division of each county into five districts, and one County Commissioner shall be selected from each of such districts.

SEC. 6. The Legislature shall provide for the election by the qualified electors in each county of the following county officers: A Clerk of the Circuit Court, a Sheriff, Constables, a County Assessor of Taxes, a Tax Collector, a County Treasurer, a Superintendent of Public Instruction, and a County Surveyor. The term of office of all county officers mentioned in this section shall be four years, except that of County Assessor of Taxes, County Tax Collector and County Treasurer, who shall be elected for two years. Their powers, duties and compensation shall be prescribed by law.

SEC. 7. The Legislature shall by law authorize the County Commissioners of the several counties, where it is deemed necessary for assessment purposes, to divide their respective counties into taxation districts, and to appoint in and for each district an Assistant Assessor of Taxes, whose powers, duties and compensation shall be prescribed by law. All county officers, except Assistant Assessors of Taxes, shall, before entering upon the duties of their respective offices, be commissioned by the Governor; but no such commission shall issue to any such officer until he shall have filed with the Secretary of State a good and sufficient bond in such sum and upon such conditions as the Legislature shall by law prescribe, approved by the County Commissioners of the county in which such officer resides, and by the Comptroller. No county officer shall become security upon the official bond of any other county officer. If any person elected or appointed to any county office shall fail to give bond and qualify within sixty days after his election, the said office shall become vacant.

SEC. 8. The Legislature shall have power to establish and to abolish municipalities, to provide for their government, to prescribe their jurisdiction and powers, and to alter or amend the

same at any time. When any municipality shall be abolished, provision shall be made for the protection of its creditors.

## ARTICLE IX.

### TAXATION AND FINANCE.

SECTION 1. The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

SEC. 2. The Legislature shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State.

SEC. 3. No tax shall be levied except in pursuance of law.

SEC. 4. No money shall be drawn from the Treasury except in pursuance of appropriations made by law.

SEC. 5. The Legislature shall authorize the several counties and incorporated cities or towns in the State to assess and impose taxes for county and municipal purposes, and for no other purposes, and all property shall be taxed upon the principles established for State taxation. But the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits. The Legislature may also provide for levying a special capitation tax, and a tax on licenses. But the capitation tax shall not exceed one dollar a year and shall be applied exclusively to common school purposes.

SEC. 6. The Legislature shall have power to provide for issuing State bonds only for the purpose of repelling invasion or suppressing insurrection, or for the purpose of redeeming or refunding bonds already issued, at a lower rate of interest.

SEC. 7. No tax shall be levied for the benefit of any chartered company of the State, nor for paying interest on any bonds issued by such chartered companies, or by counties, or by corporations, for the above-mentioned purpose.

SEC. 8. No person or corporation shall be relieved by any court from the payment of any tax that may be illegal, or illegally or irregularly assessed, until he or it shall have paid such portion of his or its taxes as may be legal, and legally and regularly assessed.

SEC. 9. There shall be exempt from taxation property to the

value of two hundred dollars to every widow that has a family dependent on her for support, and to every person that has lost a limb or been disabled in war or by misfortune.

SEC. 10. The credit of the State shall not be pledged or loaned to any individual, company, corporation or association; nor shall the State become a joint owner or stockholder in any company, association or corporation. The Legislature shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

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## ARTICLE X.

### HOMESTEAD AND EXEMPTIONS.

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempt from forced sale under process of any court, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes or assessments, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner; and no judgment or decree or execution shall be a lien upon exempted property except as provided in this Article.

SEC. 2. The exemptions provided for in section one shall inure to the widow and heirs of the party entitled to such exemption, and shall apply to all debts, except as specified in said section.

SEC. 3. The exemptions provided for in the Constitution of this State adopted in 1868 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

SEC. 4. Nothing in this Article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage duly executed by himself

or herself, and by husband and wife, if such relation exists; nor if the holder be without children to prevent him or her from disposing of his or her homestead by will in a manner prescribed by law.

SEC. 5. No homestead provided for in section one shall be reduced in area on account of its being subsequently included within the limits of an incorporated city or town, without the consent of the owner.

SEC. 6. The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article.

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## ARTICLE XI.

### MARRIED WOMEN'S PROPERTY.

SECTION 1. All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing executed according to the law respecting conveyances by married women.

SEC. 2. A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestrated for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon, with her knowledge and consent.

SEC. 3. The Legislature shall enact such laws as shall be necessary to carry into effect this Article.

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## ARTICLE XII.

### EDUCATION.

SECTION 1. The Legislature shall provide for a uniform system of public free schools, and shall provide for the liberal maintenance of the same.

SEC. 2. There shall be a Superintendent of Public Instruction, whose duties shall be prescribed by law, and whose term



of office shall be four years and until the election and qualification of his successor.

SEC. 3. The Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Public Instruction shall constitute a body corporate, to be known as the State Board of Education of Florida, of which the Governor shall be President, and the Superintendent of Public Instruction Secretary. This Board shall have power to remove any subordinate school officer for cause, upon notice to the incumbent; and shall have the management and investment of all State School Funds under such regulations as may be prescribed by law, and such supervision of schools of higher grades as the law shall provide.

SEC. 4. The State School Fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources:

The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes.

Donations to the State when the purpose is not specified.

Appropriations by the State.

The proceeds of escheated property or forfeitures.

Twenty-five per cent. of the sales of public lands which are now or may hereafter be owned by the State.

SEC. 5. The principal of the State School Fund shall remain sacred and inviolate.

SEC. 6. A special tax of one mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of public free schools.

SEC. 7. Provision shall be made by law for the distribution of the interest on the State School Fund and the special tax among the several counties of the State in proportion to the number of children residing therein between the ages of six and twenty-one years.

SEC. 8. Each county shall be required to assess and collect annually for the support of public free schools therein, a tax of not less than three mills nor more than five mills on the dollar of all taxable property in the same.

SEC. 9. The County School Fund shall consist, in addition to the tax provided for in section eight of this Article, of the proportion of the interest of the State School Fund and of the one mill State tax apportioned to the county; the net proceeds of all fines collected under the penal laws of the State within the county; all capitation taxes collected within the county;

and shall be disbursed by the County Board of Public Instruction solely for the maintenance and support of public free schools.

SEC. 10. The Legislature may provide for the division of any county or counties into convenient school districts; and for the election biennially of three school trustees, who shall hold their office for two years, and who shall have the supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real, or personal property shall vote in favor of such levy; *Provided*, That any tax authorized by this section shall not exceed three mills on the dollar in any one year on the taxable property of the district.

SEC. 11. Any incorporated town or city may constitute a School District. The fund raised by section ten may be expended in the district where levied for building or repairing school houses, for the purchase of school libraries and textbooks, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable.

SEC. 12. White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

SEC. 13. No law shall be enacted authorizing the diversion or the lending of any County or District School Funds, or the appropriation of any part of the permanent or available school fund to any other than school purposes; nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school.

SEC. 14. The Legislature at its first session shall provide for the establishment, maintenance and management of such Normal Schools, not to exceed two, as the interests of public education may demand.

SEC. 15. The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general funds of their respective counties.

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## ARTICLE XIII.

### PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public

good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

SEC. 2. A State Prison shall be established and maintained in such manner as may be prescribed by law. Provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders; and the Legislature shall have power to establish a home and work-house for common vagrants.

SEC. 3. The respective counties of the State shall provide in the manner prescribed by law for those of the inhabitants that, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society.

SEC. 4. The first Legislature that convenes after the adoption of this Constitution shall enact the necessary laws to carry into effect the provisions of this Article.

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## ARTICLE XIV.

### MILITIA.

SECTION 1. All able-bodied male inhabitants of the State, between the ages of eighteen and forty-five years, that are citizens of the United States, or have declared their intention to become citizens thereof, shall constitute the militia of the State; but no male citizen of whatever religious creed or opinion shall be exempt from military duty except upon such conditions as may be prescribed by law.

SEC. 2. The Legislature may provide by law for organizing and disciplining the Militia of the State, for the encouragement of volunteer corps, the safe keeping of the public arms, and for a guard for the State Prison.

SEC. 3. The Governor, by and with the consent of the Senate, shall appoint two Major-Generals and four Brigadier-Generals of Militia. They shall take rank according to the dates of their commissions. The officers and soldiers of the State Militia, when uniformed, shall wear the uniform prescribed for the United States Army; *Provided*, That volunteer companies may select their own uniforms.

SEC. 4. The Governor shall have power to call out the Militia to preserve the public peace, to execute the laws of the State, to suppress insurrection, or to repel invasion.

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## ARTICLE XV.

### PUBLIC HEALTH.

SECTION 1. The Legislature shall establish a State Board of

Health and also County Boards of Health in all counties where it may be necessary.

SEC. 2. The State Board of Health shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

SEC. 3. The County Boards of Health shall have such powers and be under the supervision of the State Board to such extent as the Legislature may prescribe.

## ARTICLE XVI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The Seat of Government shall be at the City of Tallahassee, in the county of Leon.

SEC. 2. Each and every officer of this State, including the members of the Legislature, shall before entering upon the discharge of his official duties take the following oath of office: I do solemnly swear [or affirm] that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of \_\_\_\_\_ on which I am now about to enter. So help me God.

SEC. 3. The salary of each officer shall be payable quarterly upon his own requisition.

SEC. 4. All county officers shall hold their respective offices, and keep their official books and records, at the county seats of their counties; and the Clerk and Sheriff shall either reside or have a sworn deputy within two miles of the county seat.

SEC. 5. The Legislature may provide for the donation of the public lands to actual settlers, but such donation shall not exceed eighty acres to any one person.

SEC. 6. The Legislature shall provide for the speedy publication and distribution of all laws it may enact. All decisions of the Supreme Court and all laws and judicial decisions shall be free for publication by any person. But no judgment of the Supreme Court shall take effect until the opinion of the Court in such case shall be filed with the Clerk of said Court.

SEC. 7. The Legislature shall not create any office, the term of which shall be longer than four years.

SEC. 8. A plurality of votes given at an election of officers shall constitute a choice when not otherwise provided by this Constitution.



SEC. 9. In all criminal cases prosecuted in the name of the State, where the defendant is insolvent or discharged, the State shall pay the legal costs and expenses, including the fees of officers, under such regulations as shall be prescribed by law.

SEC. 10. The Governor, Supreme Court and all the administrative officers of the Executive Department shall keep their offices at the Seat of Government. But in case of invasion or violent epidemics the Governor may direct that the offices of the Government be removed temporarily to some other place. The sessions of the Legislature may be adjourned for the same cause to some other place, but in case of such removal all the Departments of the Government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

SEC. 11. No extra compensation shall be made to any officer, agent, employe, or contractor after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each house of the Legislature.

SEC. 12. The present Seal of the State shall be and remain the Seal of the State of Florida; and the present State Emblem shall be and remain the Emblem of the State of Florida.

SEC. 13. The sureties upon the official bonds of all the State officers shall be residents of, and have sufficient visible property unencumbered within the State, not exempt from sale under legal process, to make good their bonds; and the sureties upon the official bonds of all county officers shall reside within the counties where such county officers reside, and have sufficient visible property therein unencumbered and not exempt from sale under legal process to make good their bonds.

SEC. 14. All State, County and Municipal officers shall continue in office after the expiration of their official terms until their successors are duly qualified.

SEC. 15. No person holding or exercising the functions of any office under any foreign Government, under the Government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State; and no person shall hold, or perform the functions of, more than one office under the government of this State at the same time; *Provided*, Notaries Public, militia officers, county school officers and Commissioners of Deeds may be elected or appointed to fill any legislative, executive or judicial office.

SEC. 16. The property of all corporations, except the proper-



ty of a corporation which shall construct a ship or barge canal across the peninsula of Florida, if the Legislature should so enact, whether heretofore or hereafter incorporated, shall be subject to taxation unless such property be held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes.

SEC. 17. No person shall hold any office of trust or profit under the laws of this State without devoting his personal attention to the duties of the same.

SEC. 18. The Legislature shall provide for deductions from the salaries of public officers who neglect the performance of any duty assigned them by law.

SEC. 19. No Convention nor Legislature of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States, unless such Convention or Legislature shall have been elected after such amendment is submitted.

SEC. 20. The Governor and every State officer are hereby prohibited from giving certificates of election or other credentials to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate, who has not been five years a citizen of the State and ten years a citizen of the United States, and a qualified voter.

SEC. 21. Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as *prima facie* evidence in the courts of this State without requiring proof of the execution. A certified copy of the record of any deed or mortgage that has been or shall be duly recorded according to law shall be admitted as *prima facie* evidence thereof, and of its due execution with like effect as the original duly proved; *Provided*, It be made to appear that the original is not within the custody or control of the party offering such copy.

SEC. 22. The Legislature shall provide for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 23. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 24. All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation, inclusive, are hereby forever prohibited.

SEC. 25. The term felony, whenever it may occur in this Constitution or in the laws of the State, shall be construed to mean any criminal offence punishable with death or imprisonment in the State Penitentiary.

SEC. 26. The Legislature may make provision for the proper

adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the town of Ocala for the establishment of the East Florida Seminary in 1852, and conditional upon its location at the said town.

SEC. 27. The Legislature shall appropriate at least five hundred dollars each year for the purchase of such books for the Supreme Court Library as the Court may direct.

SEC. 28. The Legislature may provide for the drainage of the land of one person over or through that of another, upon just compensation therefor to the owner of the land over which such drainage is had.

SEC. 29. No private property nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by a jury of twelve men in a court of competent jurisdiction, as shall be prescribed by law.

SEC. 30. The Legislature is invested with full power to pass laws for the correction of abuses and to prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property, or performing other services of a public nature; and shall provide for enforcing such laws by adequate penalties or forfeitures.

SEC. 31. No railroad or other transportation company or common carrier in this State shall grant a free pass, or discount the fare paid by the public generally, to any member of the Legislature, or to any salaried officer of this State, and the Legislature shall prohibit the granting or receiving such free pass, or fare at a discount, by suitable penalties.

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## ARTICLE XVII.

### AMENDMENTS.

SECTION 1. Either branch of the Legislature, at a regular session thereof, may propose amendments to this Constitution; and if the same be agreed to by three-fifths of all the members elected to each House, such proposed amendments shall be entered upon their respective Journals with the yeas and nays, and published in one newspaper in each county where a newspaper is published, for three months immediately preceding the next general election of Representatives, at which election

the same shall be submitted to the electors of the State, for approval or rejection. If a majority of the electors voting upon the amendments at such election shall adopt the amendments, the same shall become a part of the Constitution. The proposed amendments shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 2. If at any time the Legislature, by a vote of two-thirds of all the members of both Houses, shall determine that a revision of this Constitution is necessary, such determination shall be entered upon their respective Journals, with the yeas and nays thereon. Notice of said action shall be published weekly in one newspaper in every county in which a newspaper is published, for three months preceding the next general election of Representatives, and in those counties where no newspaper is published, notice shall be given by posting at the several polling precincts in such counties for six weeks next preceding said election. The electors at said election may vote for or against the revision in question. If a majority of the electors so voting be in favor of revision, the Legislature chosen at such election shall provide by law for a Convention to revise the Constitution, said Convention to be held within six months after the passage of such law. The Convention shall consist of a number equal to the membership of the House of Representatives, and shall be apportioned among the several counties in the same manner as members of said House.

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## ARTICLE XVIII.

### SCHEDULE.

SECTION 1. The Constitution adopted A. D. 1868, with amendments thereto, is declared to be superceded by this Constitution: But all rights, actions, claims and contracts, both as respects individuals and bodies corporate, shall continue to be as valid as if this Constitution had not been adopted. And all fines, taxes, penalties and forfeitures due and owing to the State of Florida under the Constitution of 1868, shall inure to the use of the State under this Constitution.

SEC. 2. All laws now in force not inconsistent with this Constitution shall continue in force until they shall expire by their own limitation, or be repealed by the Legislature.

SEC. 3. All persons holding any office or appointment at the ratification of this Constitution shall continue in the exercise of the duties thereof, according to their respective commissions or

appointments, and until their successors are duly qualified, unless by this Constitution otherwise provided.

SEC. 4. Nothing contained in this Constitution shall operate to vacate the office of Lieutenant-Governor until the expiration of his present term.

SEC. 5. All vacancies occurring by limitation of terms before the general election in 1888 shall be filled as provided for by law under the Constitution of 1868.

SEC. 6. The term of office for all appointees to fill vacancies in any of the elective offices under this Constitution, shall extend only to the election and qualification of a successor at the ensuing general election.

SEC. 7. In all cases of elections to fill vacancies in office such election shall be for the unexpired term.

SEC. 8. Upon the ratification of this Constitution the Commissioner of Lands and Immigration shall assume the office of Commissioner of Agriculture, and his duties as such shall be prescribed by the first Legislature assembled under this Constitution.

SEC. 9. A general election shall be held in each county in this State on the first Tuesday after the first Monday in November, A. D. 1888, and every two years thereafter, for all elective State and county officers whose terms of office are about to expire, or for any office that shall have become vacant.

SEC. 10. The first election for County Judge, Clerk of the Circuit Court, Sheriff, Tax Assessor, Tax Collector, County Treasurer, County Superintendent of Public Instruction, County Surveyor, Justices of the Peace, Constables and all other elective County Officers shall be at the general election in 1888.

SEC. 11. It shall be the duty of the President of this Convention immediately on its adjournment to certify to the Governor a copy of this Constitution.

SEC. 12. Upon receipt of such certified copy the Governor shall forthwith announce the fact by proclamation, to be published in such newspapers in this State as may be deemed requisite for general information, and five printed copies of such Constitution shall be transmitted by the Secretary of State to the Clerk of the Circuit Court, and five to the County Judge of each county, which shall be kept on file in their respective offices for examination by any person desiring the same.

SEC. 13. All Courts as now organized and constituted shall continue with their jurisdiction until the Legislature shall conform to the requirements of this Constitution the jurisdiction of such Courts as, under this Constitution, are to exer-



cise in whole or in part the jurisdiction of Courts now organized.

SEC. 14. The terms of office of all County Officers, unless otherwise provided, shall commence on the first Tuesday after the first Monday in January next after their election.

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## ARTICLE XIX.

### LOCAL OPTION.

SECTION 1. The Board of County Commissioners of each county in the State, not oftener than once in every two years, upon the application of one-fourth of the registered voters of any county, shall call and provide for an election in the county in which application is made, to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited therein, the question to be determined by a majority vote of those voting at the election called under this section, which election shall be conducted in the manner prescribed by law for holding general elections; *Provided*, That intoxicating liquors, either spirituous, vinous, or malt, shall not be sold in any election district in which a majority vote was cast against the same at the said election. Elections under this section shall be held within sixty days from the time of presenting said application, but if any such election should thereby take place within sixty days of any State or National election, it shall be held within sixty days after any such State or National election.

SEC. 2. The Legislature shall provide necessary laws to carry out and enforce the provisions of section one of this Article.

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## ORDINANCES.

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### ORDINANCE NO. 1.

SECTION 1. This Constitution shall be submitted to the people of the State of Florida for ratification on the first Tuesday after the first Monday in November, A. D. 1886, and it shall require a majority of the votes cast upon the question to determine its ratification or rejection.

SEC. 2. At such election each qualified elector shall express



his assent or dissent, by having written or printed upon the ticket which he shall vote the words, "For the Constitution," or "Against the Constitution;" such election being subject to the same regulations and restrictions as are now prescribed by law. And in case of its ratification by the people, the Governor shall forthwith cause proclamation to be made of the fact, and it shall go into effect on the first day of January, A. D. 1887.

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### ORDINANCE NO. 2.

SECTION 1. Article XIX shall be submitted to the people, when the Constitution is submitted for ratification, to become a part of the Constitution, if adopted by a majority of the votes cast upon the question, and the ballots of those voting on this Article shall have written or printed on them the words, "For Article XIX," or "Against Article XIX."

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### ORDINANCE NO. 3.

*Be it Ordained by the People of Florida, Represented in Constitutional Convention :*

SECTION 1. The pay of the members of this Constitutional Convention shall be a per diem for attendance of six (\$6.00) dollars a day in addition to mileage of ten cents a mile, each way, from their places of residence to the Capital and return, estimated by the shortest thoroughfare.

SEC. 2. The pay of the Secretary and Assistant Secretary of the Convention and all the Clerks elected by the Convention shall be six (\$6.00) dollars per diem each, allowing the Secretary and Assistant Secretary one day after adjournment to complete unfinished business; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the Chairman of the Committee; the pay of the Sergeant-at-Arms shall be six (\$6.00) dollars per diem, and the Assistant Sergeant-at-Arms shall be five (\$5.00) dollars per diem; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each; the pay of the Door-Keeper shall be five (\$5.00) dollars per diem; the pay of Pages shall be three (\$3.00) dollars per diem each; the pay of the Janitor shall be two (\$2.00) dollars per diem; the pay of the Chaplain shall be one hundred dollars. The Recording Clerk shall complete his work after the adjournment of the Convention, under the supervision of the Secretary of State, and shall be paid for the same fifty

dollars when his work is completed. Eighteen dollars shall be paid W. R. Carter for services as Assistant Secretary for three days. Messrs. Dorr & Bowen shall be paid for printing the amount approved by the Committee on Printing, certified by the President and Secretary of the Convention.

SEC. 3. The Comptroller is required to draw his warrant on the Treasurer in favor of the officers and employees of this Convention for the full amount allowed them by section two, and to each delegate of this Convention for his pro rata share of the amount appropriated by the Legislature, after deducting from said amount the amount due said employees and all other expenses, including mileage of members, incurred by this Convention.

SEC. 4. The President is authorized on behalf of this Convention to issue certificates signed by himself and countersigned by the Secretary, to each of the members, payable to himself or his order, bearing interest at the rate of eight per cent. per annum from date, for the amount remaining due on account of the deficiency of the Legislative appropriation for expenses of this Convention.

SEC. 5. The Legislature shall make an appropriation at its next session to pay said certificates.

SEC. 6. *Be it further ordained*, That the Secretary of this Convention be and he is hereby authorized to audit the accounts of the members and all other expenses.

Done in open Convention, at Tallahassee, this 3d day of August, A. D. eighteen hundred and eighty-five, and of the independence of the United States the one hundredth and tenth year.

S. PASCO, President.

J. E. YONGE, First Vice-President.

WM. H. REYNOLDS, Secretary Convention.

W. M. Bennett,  
James R. Challen,  
Norman T. Scott,  
Wm. A. Blount,  
A. E. Maxwell,  
E. M. Randall,  
A. L. McCaskill,  
W. H. Milton,  
W. L. Hunter,  
Obadiah Edge,

A. D. McKinnon,  
J. P. B. Goodbread,  
B. D. Wadsworth,  
Joseph H. Humphries,  
Theodore Randell,  
B. F. Oliveros,  
F. B. Genovar,  
T. F. Swearingen,  
S. B. Conover,  
M. M. Blackburn,

J. G. Speer,  
 R. F. Taylor,  
 John Westcott,  
 L. W. Bethel,  
 King Wylly,  
 William B. Randolph,  
 Jeremiah Fogarty,  
 E. C. Love,  
 John Crews Pelot,  
 John C. Richard,  
 Joseph M. Tolbert,  
 Lewis Wilson,  
 Wash M. Ives,  
 James F. McClellan,  
 J. E. Yonge,  
 George I. Davis,  
 W. T. Orman,  
 Wm. F. Thompson,  
 Hugh E. Miller,  
 Wm. R. Bush,  
 Robt. F. Rogers,  
 Henry C. Hicks,  
 Jas. Wood Davidson,  
 William T. Weeks,  
 E. J. Lutterloh,  
 J. R. Herndon,  
 Wallace B. Carr,  
 J. M. Landrum,  
 B. J. Earle,  
 Irving Gillis,  
 Geo. P. Fowler,  
 Jeff Alexis Hendley,  
 W. H. Cook,  
 John W. Tompkins,  
 Thos. E. Clarke,  
 Hannibal Rowe,  
 Robert Robiunson,  
 John B. Johnston,

Wm. N. Sheats,  
 Jas. P. Coker,  
 C. C. Wilson,  
 John Neel,  
 W. H. Hausman,  
 Phillip Walter,  
 Jas. B. Stone,  
 Alexander Bell,  
 Syd. L. Carter,  
 John W. Malone,  
 S. J. Turnbull,  
 Wallace S. Jones,  
 R. C. Parkhill,  
 Thos. V. Gibbs,  
 E. C. F. Sanchez,  
 E. L. Odom,  
 H. C. Baker,  
 J. P. Morgan,  
 W. F. Green,  
 Angus Paterson,  
 John D. Broome,  
 Henry W. Chandler,  
 J. D. Goss,  
 Thos. N. Bell,  
 Chas. W. Lewis,  
 H. L. Parker,  
 Paul Hatch,  
 W. B. Tedder,  
 Robert Henderson,  
 L. D. Carson,  
 A. L. Wellman,  
 Jno. Parsons,  
 A. S. Mann,  
 Alex Zipperer,  
 H. E. Duncan,  
 T. L. Clarke,  
 John F. Marshall,  
 W. A. Hocker.



# LIST OF DELEGATES

—TO THE—

## Constitutional Convention

OF 1885.

WITH THEIR POST-OFFICE ADDRESS.

NAME.	POST-OFFICE.	COUNTY.
SAMUEL PASCO, President...	Monticello.....	Jefferson.....
H. C. BAKER.....	Fernandina.....	Nassau.....
ALEX. BELL.....	St. Lucie.....	Brevard.....
THOMAS N. BELL.....	Jasper.....	Hamilton.....
WM. M. BENNETT.....	Helena.....	Sumter.....
L. W. BETHEL.....	Key West.....	Monroe.....
M. M. BLACKBURN.....	Live Oak.....	Suwannee.....
WM. A. BLOUNT.....	Pensacola.....	Escambia.....
JOHN D. BROOME.....	DeLand.....	Volusia.....
WM. R. BUSH.....	Lake City.....	Columbia.....
DANIEL CAMPBELL.....	Eucheeanna.....	Walton.....
SYD. L. CARTER.....	Bronson.....	Levy.....
W. B. CARR.....	Tallahassee.....	Leon.....
L. D. CARSON.....	Bristol.....	Liberty.....
JAS. R. CHALLENGER.....	Jacksonville.....	Duval.....
H. W. CHANDLER.....	Ocala.....	Marion.....
THOS. L. CLARKE.....	Monticello.....	Jefferson.....
THOS. E. CLARK.....	Campbellton.....	Jackson.....
J. P. COKER.....	Marianna.....	Jackson.....
S. B. CONOVER.....	Tallahassee.....	Leon.....
W. H. COOK.....	Pomona.....	Putnam.....
J. W. DAVIDSON.....	Lake Worth.....	Dade.....
G. I. DAVIS.....	Mt. Pleasant.....	Gadsden.....
H. H. DUNCAN.....	Yalaha.....	Sumter.....
B. J. EARLE.....	Waldo.....	Alachua.....
OBADIAH EDGE.....	Crestview.....	Walton.....
JEREMIAH FOGARTY.....	Key West.....	Monroe.....
G. P. FOWLER.....	Palatka.....	Putnam.....
F. B. GENOVAR.....	St. Augustine.....	St. Johns.....



NAME.	POST-OFFICE.	COUNTY.
T. V. GIBBS.....	Jacksonville.....	Duval.....
IRVING GILLIS.....	Palatka.....	Putnam.....
J. P. B. GOODBREAD.....	Tyner.....	Hamilton.....
J. D. GOSS.....	Ocala.....	Marion.....
J. C. GREELEY.....	Jacksonville.....	Duval.....
W. F. GREEN.....	Sterling.....	Holmes.....
AMOS HARGRET.....	Crawfordville.....	Wakulla.....
PAUL HATCH.....	Hatch Bend.....	Lafayette.....
WM. H. HAUSMAN.....	Madison.....	Madison.....
J. A. HENDLEY.....	Dade City.....	Hernando.....
ROBERT HENDERSON.....	Shady Grove.....	Taylor.....
JOHN R. HERNDON.....	Darbyville.....	Baker.....
H. C. HICKS.....	Apalachicola.....	Franklin.....
W. A. HOCKER.....	Leesburg.....	Sumter.....
S. E. HOPE.....	Anclote.....	Hillsborough.....
J. H. HUMPHRIES.....	Barlow.....	Polk.....
W. T. HUNTER.....	Darbyville.....	Baker.....
W. M. IVES.....	Lake City.....	Columbia.....
J. B. JOHNSTON.....	Waldo.....	Alachua.....
W. S. JONES.....	Lloyds.....	Jefferson.....
J. M. LANDRUM.....	Milton.....	Santa Rosa.....
J. T. LESLEY.....	Tampa.....	Hillsborough.....
C. W. LEWIS.....	Fernandina.....	Nassau.....
E. C. LOVE.....	Quincy.....	Gadsden.....
E. J. LUTTERLOH.....	Cedar Key.....	Levy.....
JOHN W. MALONE.....	Quincy.....	Gadsden.....
AUSTIN S. MANN.....	Crystal River.....	Hernando.....
J. F. MARSHALL.....	Cedar Key.....	Levy.....
A. E. MAXWELL.....	Pensacola.....	Escambia.....
H. E. MILLER.....	Ocala.....	Marion.....
WM. H. MILTON.....	Marianna.....	Jackson.....
J. W. MITCHELL.....	Tallahassee.....	Leon.....
R. A. MONSALVATGE.....	Key West.....	Monroe.....
J. P. MORGAN.....	Houstoun.....	Suwannee.....
A. L. McCASKILL.....	Argyle.....	Walton.....
J. F. McCLELLAN.....	Marianna.....	Jackson.....
A. D. McKINNON.....	Vernon.....	Washington.....
JOHN NEEL.....	Westville.....	Holmes.....
E. L. ODOM.....	Providence.....	Bradford.....
B. F. OLIVEROS.....	St. Augustine.....	St. Johns.....
W. T. ORMAN.....	Apalachicola.....	Franklin.....
H. L. PARKER.....	St. Lucie.....	Brevard.....
R. C. PARKHILL.....	Monticello.....	Jefferson.....
JOHN PARSONS.....	Bay Port.....	Hernando.....
ANGUS PATERSON.....	Madison.....	Madison.....
JOHN C. PELOT.....	Manatee.....	Manatee.....
S. PETTY.....	Fernandina.....	Nassau.....
E. M. RANDALL.....	Jacksonville.....	Duval.....
THEODORE RANDELL.....	Madison.....	Madison.....
WM. B. RANDOLPH.....	Orlando.....	Orange.....
J. C. RICHARD.....	Starke.....	Bradford.....

NAME.	POST-OFFICE.	COUNTY.
R. R. ROBERTSON.	Milton.	Santa Rosa.
R. F. ROGERS.	Little River.	Suwannee.
HANNIBAL ROWE.	Milton.	Santa Rosa.
E. C. F. SANCHEZ.	Gainesville.	Alachua.
N. T. SCOTT.	Concord.	Gadsden.
W. N. SHEATS.	Gainesville.	Alachua.
J. G. SPEER.	Oakland.	Orange.
J. B. STONE.	Wewahitchka.	Calhoun.
T. F. SWEARINGEN.	Crawfordville.	Waukulla.
R. F. TAYLOR.	Gainesville.	Alachua.
W. B. TEDDER.	Shady Grove.	Taylor.
WM. F. THOMPSON.	Tallahassee.	Leon.
JAS. M. TOLBERT.	Ellisville.	Columbia.
JOHN W. TOMPKINS.	Lake City.	Columbia.
S. J. TURNBULL.	Monticello.	Jefferson.
B. D. WADSWORTH.	Madison.	Madison.
D. S. WALKER, Jr.	Tallahassee.	Leon.
J. P. WALL.	Tampa.	Hillsborough.
PHILLIP WALTER.	Jacksonville.	Duval.
W. T. WEEKS.	Providence.	Bradford.
A. L. WELLMAN.	DeLand.	Volusia.
JOHN WESTCOTT.	St. Augustine.	St. Johns.
E. WHITMIRE.	Ferry Pass.	Escambia.
LEWIS WILSON.	Wilderness.	Clay.
CHAS. C. WILSON.	Fort Meade.	Polk.
KING WYLLY.	Sanford.	Orange.
JAS. E. YONGE.	Pensacola.	Escambia.
ALEX. ZIPPERER.	Hamilton.	Hamilton.

## OFFICERS AND ATTACHES.

NAME.	POST-OFFICE.
W. H. REYNOLDS, Secretary.	Lakeland, Polk county
D. M. McALPIN, First Assistant Secretary.	Live Oak, Suwannee county
G. A. K. STEVENS, Reading Clerk.	Bartow, Polk county
J. C. CLARKE, Recording Clerk.	Starke, Bradford county
MILTON J. BRYAN, Engrossing Clerk.	Jasper, Hamilton county
J. J. THOMPSON, Sergeant-at-Arms.	Gainesville, Alachua county
W. J. CALLAWAY, Assist. Sergeant-at-Arms.	Marianna, Jackson county
REV. A. C. McCANTS, Chaplain.	Tallahassee, Leon county
GEORGE DICE, Messenger.	Madison, Madison county
WILLIS M. MYERS, Messenger.	Gainesville, Alachua county
GLOVER MILLER, Page.	Ocala, Marion county
CHARLES HOPKINS, Page.	Tallahassee, Leon county
EUGENE HAWKINS, Page.	Marianna, Jackson county
W. J. JOHNSTON, Page.	Waldo, Alachua county
H. W. FOWLER, Page.	Palatka, Putnam county
G. W. HINSEY, Door-Keeper.	Apalachicola, Franklin county
JESSE DENNIS, Janitor.	Tallahassee, Leon county













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